
Law's Trace: from Hegel to Derrida

Law's Trace argues for the political importance of deconstruction by taking Derrida's reading of Hegel as its point of departure. While it is well established that seemingly neutral and inclusive legal and political categories and representations are always, in fact, partial and exclusive, among Derrida's most potent arguments was that the exclusions at work in every representation are not accidental but *constitutive*. Indeed, one of the most significant ways that modern philosophy appears to have completed its task of accounting for everything is by claiming that its foundational concepts – representation, democracy, justice, and so on – are what *will have always been*. They display what Derrida has called a “fabulous retroactivity.” This means that such forms of political life as liberal constitutional democracy, capitalism, the rule of law, or even the private nuclear family, appear to be the inevitable consequence of human development. Hegel's thought is central to the argument of this book for the following reason: the *logic* of this fabulous retroactivity was articulated most decisively for the modern era by the powerful idea of the *Aufhebung* – the temporal structure of the always-already. Deconstruction reveals the exclusions at work in the foundational political concepts of modernity by “re-tracing” the path of their creation, revealing the “always-already” at work in that path. Every representation, knowledge or law is more uncertain than it seems, and the central argument of *Law's Trace: from Hegel to Derrida* is that they are, therefore, always potential sites for political struggle.

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‘Translating Deconstruction’, *Cultural Values*, Vol. 5, No. 3, July 2001 pp. 325–48 forms the basis for Chapter Two of this book, ‘Translating deconstruction: signing the trace’

‘The messianic without Marxism: Derrida’s Marx and the question of justice’, *Cultural Values*, Vol. 2, No. 1, January, 1998, pp. 51–69 forms the basis for Chapter Three of this book ‘The messianic without messianism’

‘Mourning the Law: Hegel’s Metaphorics of Sexual Difference’ in *Philosophy and Social Criticism* Vol. 29, No. 4, 2003 pp. 361–74 forms the basis for Chapter Five of this book, ‘Justice and the impossibility of mourning: Antigone’s singular act’

Introduction – Law’s Trace

To the extent that it is possible to argue that questions of difference, identity and/or universality preoccupied the left during the 1980s and 1990s, and to the extent that deconstruction is associated, in both the scholarly and popular press with their interruption or interrogation, it makes a certain amount of sense to suggest that deconstruction’s time was then, and that it is now over. The questions of the twenty-first century are more likely to circulate around the porousness (or non-porousness) of national borders, which is to say with the continued relevance of national sovereignty, with a post-national “war on terror,” with migration, the end or near-end of the American empire, or even with the continued relevance of the juridical – which is to say, state centered – form of war. An obvious question, then, begins this book: why, several years after Jacques Derrida’s death, well into the new century, do we need another book about the meaning and contributions of deconstruction? It might strike readers as somewhat anachronistic to be talking about deconstruction at all anymore, let alone making a book length argument about the continued significance of Jacques Derrida’s work. In short, deconstruction might seem like a set of analyses or protocols for reading no longer useful for the current political moment.

These are the kinds of straightforward questions that we regularly ask of political and legal theory: how is *this* theory of the world, of law or subjectivity useful to us now? How does it help us think about or describe present arrangements of power or concrete questions of injustice? So it bears noting at the outset of this inquiry that even those who are convinced of deconstruction’s continued significance have expressed exasperation about its immediate “applicability.” For instance, in a special obituary symposium, David Cunningham wrote:

How is the force of orientation of a “strategy without finality” to be understood (as it must be) outside of any teleological horizon, utopianism or regulating Idea, yet in relation to specific social forms and relations? This is, perhaps, just to say that Derrida’s own work – which was, first and foremost (if not only) the work of a philosopher – is *not enough*. Of

course! It leaves us with problems. What thinking worthy of the name does not?¹

The exasperation expressed here – both towards deconstruction's detractors and its proponents – is worth pausing over. I want to suggest that notwithstanding the "occasional" nature of deconstruction, and, indeed, the changing face of international law, politics, and power, deconstruction was no more "useful" a practice for reading two decades ago than it is now. Indeed, the argument I make in this book is that attempting to find any kind of political applicability for deconstruction is a key way to avoid precisely what deconstruction does have to offer, which is more generally a strategy for thinking the intolerable; the radical openness of what comes.

It is for this reason that I want to begin my remarks on the continued political purchase of deconstruction by way of thematizing the anxiety of thinking this intolerable thought, which is to say, the anxiety that deconstruction has always provoked. It shows that its object – totality, philosophy, ontology, in a word (that will have to be unpacked), *law* – is marked by an ineradicable "trace" of the world and thus indicates that the distinction between philosophy and the world is not by any means solid. The philosophical "event" called deconstruction, in other words, throws the purity of both the "worldliness" of the world and the thoughtliness of philosophy into question.

The theory of anxiety, of course, is psychoanalysis. (Sigmund Freud, once asked if his neurotic patients could be entirely cured, was known to have responded: "We're all a *little* anxious.") More precisely, psychoanalysis is a theory about the relentless search for the impossible attainment of subjective coherence, which is to say that it thematizes the subject's (constantly thwarted) attempt to become identical to him or herself. It is a set of systematic knowledges about the human subject's desire to be closed, and the *anxiety* – sometimes immobilizing and unconquerable, more often neurotic and ordinary, the state of misery that might be replaced by ordinary human unhappiness – that ensues in the discovery that such a state is actually impossible. The analysand discovers that there is always a trace of something not fully identical to her/his own ego – an "other" – at work in him/her for which it is impossible to give a full or complete account.²

In this sense, it is no accident that psychoanalysis has been understood to pose such a dramatic challenge to modern Western philosophy. For the modern subject of politics is understood to be responsible insofar as she/he has rescued her/himself from her/his "self-incurred tutelage," as Kant put it, and has reached "the age of majority." Because the subject of modern politics is finally able to direct her/himself and the world, she/he is also able to answer for themselves in a sovereign manner before the law. Freud's massive insight – and/or speculative thought, the narcissistic wound he imparts to that dream – is the idea that human subjects are, in fact, always laboring imperfectly for autonomy against the inexhaustible and ultimately invincible conditions of

heteronomy. The ability to answer for oneself means something entirely new in the face of the “discovery” of the unconscious.

The human subject depicted by Freud, laboring in pursuit of an impossible subjective coherence, can be understood on analogy with Western philosophy’s own pursuit insofar as Western philosophy seeks the very objective coherence in the world that Freud suggests the modern subject seeks within herself. The anxiety of philosophy, the anxiety which is *proper* to philosophy, the very anxiety which Paul de Man says prompts the *resistance* to theory, is anxiety about the very thing which both prompts philosophy and which stymies it in its attempt to finally offer an account of the world that is finally *complete*: the disquieting insight that there are things, events, realities, references, others, for which it is just simply impossible to give a full enough account.³ It is the anxiety prompted by the revelation that in the same way that there is a trace of something not identical to the subject, and yet operating within it, that exceeds the subject’s own knowledge, there is equally a “trace” of politics, of the world, of power at work in philosophy for which it cannot fully account. It is the anxiety prompted by the revelation that by holding philosophy rigorously to its own protocols, philosophy’s reach to include everything fails.

This revelation is not the slippery slope towards nihilism. Rather, it is the insight that all attempts to finally account for these realities will not only fail, but rather that the attempt to foreclose the impossible and bewildering unmasterability of the world always does so in the interests of certain forms of power, that, in fact, this attempt to name or finally account for everything is *itself* an operation of power. Thus, while, for instance, the insight that law’s reach is impossible is a thoroughly philosophical one, its implications are also thoroughly political. The paradoxical formulation that guides the argument of this book, then, is that revealing the *failure* of law *enables* politics. Said slightly differently, deconstruction can be understood as the revelation of the impossible conditions of possibility for law’s success. Revealing the impossibility for law’s success is simultaneously the revelation of politics, and is *itself* a political procedure.⁴

It bears mentioning that it is precisely the anxiety about the impossibility for law’s success – a condition under which justice and law will finally line up – that underlies the title of Terry Eagleton’s book on cultural studies: *After Theory*. While Eagleton suggests that the age of “high theory” of the 1970s, 1980s and 1990s is over, he also suggests that it ended before its task was done. Indeed, he argues that when theory’s task will be finished, it will be thankfully so, because then the world and thought, justice and law, will be in proper relation.⁵ The anxiety from which Eagleton would enjoy relief is a fruitful place from which to begin to understand deconstruction, its peculiar political purchase, and the responses that it has generated.⁶

If the philosophy of anxiety is psychoanalysis, the anxiety of philosophy might be most usefully illuminated by way of what Derrida has variously called the opening, the breach, the moment of suspense, the moment of

madness or absolute surprise, that is the condition for thinking, for systematization, but for which neither thought, nor law, nor philosophy can account on their own terms. I want to quote Derrida here when he says in what I think is one of his most difficult, treacherous and beautiful formulations, that:

We will not sacrifice the self-coherent unity of intention to the becoming which then would be no more than pure disorder. We will not choose between the opening and the totality. Therefore, we will be incoherent, but without systematically resigning ourselves to incoherence. The possibility of the impossible system will be on the horizon to protect us.⁷

Deconstruction, then, is the task of thinking the opening, which is to say, thinking philosophically *against* totality, *against* perfect Being or ultimate Truth, against *law*, in the name of that which will always resist any romantic synthesis. Deconstruction is the task of thinking – systematically, philosophically – in the name of what opens thought, totality, Being, Truth, or law to its own undertaking but which cannot, finally, be accounted for philosophically.

One of the most significant ways that modern philosophy claims that it has, or is near to having, completed its task of accounting for everything is by way of claiming that its foundational concepts – representation, democracy, identity, and so on – are what *will have always been*. They display or perform what Derrida has called a “fabulous retroactivity.”⁸ The foundational legal concepts of political modernity, in other words, maintain their aura of legitimacy by appearing to be the proper “end” of the species known as human insofar as they were implicit in the human being from its very inception. This means that such forms of political life as liberal constitutional democracy, capitalism, the rule of law, even the private nuclear family, appear to be the inevitable consequence of human development. And this is why Hegel’s thought is central to the argument of this book: the *logic* of this fabulous retroactivity was articulated most decisively for the modern era by the powerful idea of the *Aufhebung*; the temporal structure of the always-already.⁹ Insofar as deconstruction can be understood as a “strategic occupation” of the *Aufhebung* (as I will argue), it reveals (among other things) that the impossible condition of possibility for the very universality upon which the legitimacy of these concepts depends is a stable point of time, a here, now. Deconstruction reveals the *aporetic* structure of time at work in the foundational political concepts of modernity.¹⁰ It does so by “re-tracing” the path of their creation, revealing the trace of the “always-already” at work in that path. The central gesture I will track in this book – the tracing or *re-tracing* of these central concepts – demonstrates what can never be subsumed by any process of interiorization, a non-originary difference that Derrida terms (variously) singularity, *différance*, the trace, the remains, the supplement, and so on, in order to illustrate the ideological, which is to say political, nature of every attempt to maintain the illusion of law’s universality.

Considering the above, the task of this exposition is threefold. The first task is to show that these central concepts gain their philosophical legitimacy through a claim to universality that depends on a reduction of time to a series of stable self-present moments. Second, it is to show that the foundational concepts of political modernity were given their most thorough-going philosophical articulation according to the logic of *Aufhebung*, in terms of *what will have always been*. Finally, its task is to demonstrate how the revelation of the remains of universalization is a thoroughly political intervention into central points of concern for political and legal modernity (justice, democracy, representation, human rights, and so on). I submit that this is what lends the present study of Derrida and Hegel its importance and relevance. Indeed, as I will show, there is a distinctive and important continuity between the so-called twentieth-century concern with identity, universality, and difference, and the twenty-first century concerns with sovereignty, terrorism, democracy, imperialism, and the juridical form of war.

Deconstruction is here, now, in America¹¹

The process of “retracing” to which I refer – as well as the continuity between the “earlier” and “later” political concerns I referred to above – might be most usefully sketched by referring to one of Derrida’s earlier texts: “The Ends of Man.” He first delivered this paper as a lecture in New York. It was October of 1968, shortly after the uprisings in Paris, during an “American” war on Vietnam, and during the general political unrest in the West. He was invited to give this paper at a colloquium on the proposed theme of “Philosophy and Anthropology” and he begins the paper with a meditation on “philosophical nationalities,” by which he meant the idea that there are “national” differences of philosophical language, style, and doctrinal attitudes. Indeed, Derrida diagnoses the proliferation of international philosophy colloquia in the second half of the twentieth century as a concerted attempt by the West to dominate those parts of the world where such questions as “philosophical anthropology” simply made no sense.¹² In other words, long before any broader discourse of “globalization,” Derrida noticed that the international philosophy colloquium was a technique of colonialism by other means. He pointed towards the ways that this particular colloquium – on the question of philosophy and anthropology – attempted to negotiate those national differences in the name of what he calls a “promised complicity of a common element,” which is nothing other than the so-called universality of philosophical discourse.

Noting that all philosophical colloquia have a political significance, Derrida thus proposes that the significance of *this* colloquium might be best termed “democracy” or more precisely, democracy’s *form*. Here, in other words, we find one of his earliest articulations of three important themes: the idea that democracy is tied to the possibility of the sovereign, self-identical, universal man of philosophical *anthropos*; the ways that the fate of this being is itself

fundamentally tied up with the fate of the sovereign nation-state; and the ways that the question of philosophical anthropology poses itself as a kind of crisis or limit of democracy. The question Derrida asks enigmatically at the end of the essay – “who, we?” – exposes the *limits* of who *we* are, and in so doing points at once both to the end of the being *anthropos* – and the idea of sovereignty, legitimacy, and democracy associated with it – and towards the idea he was later to formulate as “the democracy to come.”

Derrida's major focus in this text is on the humanist existentialism that dominated post-war French philosophy (a question to which I return in some detail in the next chapter). It is no accident that Derrida's focus is on so-called “French” philosophy, for the conference at which he presented his paper explicitly addressed the theme of “national” doctrinal attitudes. Derrida's argument in that context was that while the anthropological reading of Hegel, Husserl, and Heidegger that dominated post-war French philosophy was “a mistake,” nonetheless:

whatever the breaks marked by this Hegelian—Husserlian—Heideggerian anthropology as concerns the classical anthropologies, there is an uninterrupted metaphysical familiarity with that which, so naturally, links the “we” of the philosopher to the “we men” to the “we” in the horizon of humanity.¹³

The “who, we?” question – the question posed by philosophical anthropology – implicates not only the metaphysical tradition of Western philosophy, but also those who may well be living at the eve of its story.

Derrida's first insight is that the question of philosophical anthropology – the question of man's “identity” – is also the question of the *limits* of man, the question of how to delimit what is proper to “man” alone. He gestures towards this insight in two of his epigraphs. The first comes from Jean-Paul Sartre's *Being and Nothingness*, a text that poses the existentialist–humanist question of the proper “ends” or possibilities of “human reality.” The second epigraph is from Kant's *Foundations of the Metaphysics of Morals*, in which Kant alludes to his profoundly influential preoccupation with man as an end in himself – an object of dignity – rather than mere means. The question of man's identity is necessarily the question of the limits of man, the question of the point at which man is no longer identical to itself and thus is no longer “man” at all. In this way, the question of the identity of the *anthropos* opens onto the idea of what is proper to man, what is exclusive to the being named “man” and thus to the question of “man's” “proper” *end*.

Derrida's second insight follows from this. It is that in questioning the identity or limits of the *anthropos*, the question of the end itself is brought into view. Here the issue of man's identity reaches a limit and a crisis. This insight is signaled in Derrida's choice of the third epigraph, from Michel Foucault's *The Order of Things*, in which Foucault points to the “end” of the

anthropological meta-narrative; as Foucault names it, this is the possible near end of the invention of “man” himself. The problematic of the “ends” of man – its limits or its goals – signals a crisis in the idea of man *qua anthropos* and thus threatens to exhaust the very idea of “man” altogether. The idea of “man” – as self-identical, as essential, as anthropological – undoes itself from the inside.

The implications of this thought of the various “ends” of man are profound, and have been decisive for thinking the political over the past forty years. It suggests, on the one hand, that the description of any category of identity is necessarily about the limits or ends of that identity; all forms of identity bear the mark of the question of the *anthropos* – the question *anthropos* asks, which is “who, we?” – and thus the undertaking of *anthropos* is, in a certain sense, deconstruction. On the other hand, it also suggests that the universalist, sovereign (or even masculine) notion of “man” cannot simply be replaced with a putatively less universal, sovereign, or masculine one. What Derrida proposes, therefore, is a radical challenge: “we” (who, we?) must make use of the only resource “we” have for thinking otherwise. This challenge issues from the argument that while the idiom of the Western philosophical tradition is fundamentally Greek, which is to say, one in which the question of the (self-)identity of “man,” the truth or being of “man,” is one of essence, of universality and, thus, also an idiom of man’s “ends” or *telos*, it is the only one we have. There is only, in other words, this relentlessly metaphysical idiom with which to work. This may be a thorny and troubling inheritance, but it cannot be abolished simply by wishing it away. For as Derrida says, “the entirety of philosophy is conceived on the basis of its Greek source ... the founding concepts of philosophy are primarily Greek, and it would not be possible to speak philosophically outside this medium.”¹⁴ Therefore, “what is difficult to think today,” he goes on to say, “is an end of man which would not be organized by a dialectics of truth and negativity, an end of man which would not be a teleology in the first person plural.”¹⁵ The task thus requires a radical form of self-interrogation, which is to say, to ask the question: “who, we?”

As I demonstrate throughout this book, to repeat or retrace what is implicit in the founding concepts and the organized problematic – to retrace the Western, philosophical, anthropological notion of “man” – is to engage in this very radical form of self-interrogation, and it produces a “trembling” in the concept of the “we.”¹⁶ As Derrida’s reading of the “crisis” reached by rigorously holding the idea of man to its own premises suggests, what emerges in this undertaking is a “being” who traces the margins of its own impossibility, a being who relentlessly interrogates the “essence” of *anthropos* itself. And, perhaps more interestingly, to the extent that the internal undoing of the Western, metaphysical idea of “man” throws the very nature of “we” philosophers in the West into question, to the extent that it challenges the way in which “we” represent ourselves as “being” in the West, it challenges the very

meaning of being-together for “us,” liberal, capitalist, constitutional democracies in all of their variants.

Derrida’s challenge, to think “an end of man which would not be a teleology in the first person plural,” is not pursued in the 1968 text. However, in all of his writings through the 1970s, 1980s, and 1990s, he does attempt to think against thought – against truth and against metaphysics – the *singular*, precisely that which Western philosophy cannot think on the basis of the Greek idiom or form. What Derrida points towards in this text written forty years ago, then, are, in general, the intensely political themes of the work that followed in its wake, and in particular, the ways that rigorously holding the ideas of representation, law, identity, and democracy to their own premises reveal the ways that these are impossible possibilities. In an interview with Elisabeth Roudinesco conducted a few years ago in Paris, for example, he said:

What is undergoing a “deconstruction” is no doubt the very concept of the political, from its Greek origins through all its mutations. What is called the political can no longer be bound in its very concept, as it always has been, to a presupposition of place, of territory – and of what pertains to the state ... Some would like to continue to think – but this is more and more difficult – that the political necessarily takes the form of a state, and that is bound to an irreplaceable territory, to a national community. But this is exactly what is being *dislocated* today.¹⁷

He attempts to move from metaphysics to the political through the impossible possibility of democracy “itself” – as against the “presence” of the *anthropos*. Thus, what Derrida evokes is precisely an end of the “end of man” and, thus, the possibility of a new beginning.

Between politics and philosophy

In order to show the political stakes of this self-interrogation, I treat Derrida’s contributions – including his reflections on the abyssal dimensions of linguistic representation, his thoughts on the relationship between law and justice, his engagements with Marx’s *German Ideology*, even his vexed relationship with feminism – in terms of their ongoing conversation with Hegel in general, and with the procedure of speculative dialectics in particular. I argue that Derrida’s engagement with Hegel – both directly in such works as *Glas*, but also indirectly throughout his corpus – is *itself* thoroughly political, insofar as Derrida, in fact, rethinks the very distinction between “mere” philosophy and “the political.” To be sure, the distinction between “mere” philosophy and politics, between a discourse *about* politics, and politics itself, has always been central to political philosophy. Since the Greeks, philosophy has understood that its task is not to *create the best possible city*, but rather to *imagine a perfect one*. In other words, to the extent that the political philosopher has always been

understood less as an engineer than as an architect, the emphasis in political philosophy has always been more upon the philosophical than the political. The discourse *about* politics, the formal, the true, and the universal dimension of political philosophy, has, since the Greeks, understood “politics” – the condition of plurality, difference and flux – as its own “other.”

Given this condition, the interiorizing, memorializing activity of the Hegelian *Aufhebung* – *Erinnerung* – whose task it is to breathe concrete life into formal universality, can be understood in a new light. The very idea of Hegel’s system – as the simultaneous articulation of totality and specificity – is meant to rebut the emptiness of pure formal universalism on the one hand, and the weakness and violence of immediate empiricism on the other. Indeed, in the politico-philosophical aftermath of Hegel it is difficult to maintain a sharp distinction between a discourse *about* politics and what that discourse maintains is politics itself, between philosophy and what philosophy has named *as its own other*. For Hegel insists that the unity achieved in the Absolute as Spirit is a unity in which all external conditions that seemed necessary to *conceive* it are revealed to be the *other* in which the Absolute relates to itself. While the differentiated world of contingency – of what we might call politics – is necessary for the achievement of the Absolute, the Absolute also fully incorporates it: it overcomes, destroys, and raises it up, in short, *digests* it.

What is perhaps the most remarkable achievement of Hegel’s introduction to the *Phenomenology of Spirit* is the way in which it exemplifies this very move. While the introduction does appear to “preface” the text, it is, in fact, entirely absorbed into the global scope of his philosophical enterprise. Therein, even that discourse which appears to be “pre-philosophical” (such as an introduction to a philosophic text) turns out to have been a necessary moment in philosophy itself. The process of absorbing what appears to be external to philosophy – in this case the “preface” or introduction to philosophy – into a necessary moment *internal* to philosophy, precisely simulates the way in which Hegel manages to absorb the idiomatic specificity of politics into the universalizing language of philosophy.¹⁸

Thus, while philosophy has, since its inception, named politics as its own “other,” Hegel’s enduring gesture is to have assimilated this “other” to the structure of philosophical thought itself. Through being submitted to Hegelian speculative logic – the logic that gathers together and interiorizes the excessive outside and all possible remains – categories of political thought and action such as representation, justice, law, and identity have been absolutized and thereby guaranteed for the modern era. As Derrida argues, the eighteenth century was a “place of combat and crisis” in which a defense against “breaches of logocentric security” was erected. He goes on to say, “against all these pressures, a battle is declared. ‘Hegelianism’ will be its finest scar.”¹⁹ In short, seemingly straightforward political categories of modern political thought have achieved the appearance of philosophical stability by virtue of Hegel’s speculative logic.

Derrida's celebrated use of such terms as the *pharmakon*, *hymen*, *gram*, or *supplement*, can all be understood as strategies he uses to negotiate this logic.²⁰ More precisely, Derrida employs these terms – Gasché calls them infrastructures – in order to refuse the assimilation of the “other” (including politics, the “other” of philosophy itself), to the identity of the Absolute. For in opening the discourse of philosophy to an “other” which is no longer simply *its own* “other,” Derrida radically questions philosophy's claim to self-legitimation and thus demonstrates the structural limits of philosophy's autonomy. On this view, prying open philosophy in the aftermath of Hegel's philosophical achievement – which was, as I argue, burying politics itself within philosophy – is a particularly daunting task.

For Hegel's speculative philosophy effectively domesticates “mere” exteriority – the very “world out there” which stubbornly eluded his predecessors in German Idealism – within the absolute self-presence and self-identity of Spirit itself. More precisely, through the speculative positing and interiorizing of negativity – the very movement of *Aufhebung* – Hegel's logic brings the history of metaphysics as the comprehension of exteriority to an end. Importantly, Derrida has constantly reminded us that his writings maintain a “profound affinity” with this logic. Indeed, such “infrastructures” as those named above may be said to operate precisely within its general economy, for, on a certain view, they are articulations of its condition of possibility.²¹ There is thus a necessary, deep affinity between the concept of the *Aufhebung* – the speculative concept par excellence – and the most relevant of Derrida's quasi-transcendentals, *différance*, which is, as Derrida has famously remarked, “neither a word nor a concept.”²² To this extent, Derrida's thought remains faithful to the intention embedded within the philosophical tradition itself, and, more specifically, to the Hegelian system of speculative science as this tradition's crowning accomplishment.

However, despite the necessary affinity between Hegel's and Derrida's projects, Derrida insists that deconstruction enacts “a kind of infinitesimal and radical displacement” of Hegelian speculation.²³ For what Derrida's thought points insistently toward is that the identity of speculative or absolute knowledge is itself made possible by a process of temporization and differentiation which cannot be recuperated *to* that knowledge. More precisely, Derrida demonstrates that the Hegelian system necessarily relies upon a non-totalizable and interminable difference – what Derrida calls the “remains” – which can be neither elevated nor interiorized by that system. The absolute identity of speculative knowledge is shown to be *impossible* because, while the system relies on a process of differentiation or negation, it also leaves behind a remainder whose un-sublatability undoes that very absolutism: it is what Derrida calls “the neither-swallowed-nor-rejected, that which remains in the throat as other, neither-received-nor-expulsed.”²⁴

In order to expose the *impossible* conditions of possibility for this speculative logic, Derrida takes the Hegelian concept of the *Aufhebung* as his

“decisive target.”²⁵ His strategy in this regard is not so much to expose the errors in the Hegelian system by writing about the gaps or discontinuities in the Hegelian book, but rather to inscribe those “remains” which the Hegelian text reveals while simultaneously covering them over.²⁶ For, as he says, the movements of deconstruction “do not destroy structures from the outside. They are not possible and effective, nor can they take accurate aim, except by inhabiting those structures.”²⁷ While the largest task of this book is to describe the deconstructive occupation of the *Aufhebung* – the constant disintegration or deconstruction of the speculative project – it is perhaps useful to outline here some of the most important dimensions of that gesture.

The strategic occupation of the *Aufhebung*

By inhabiting the structure of the Hegelian *Aufhebung*, Derrida pits Hegel’s “own discovery” against the system it erects.²⁸ Hegel’s “discovery” is what Derrida calls “taking the negative seriously.”²⁹ What Derrida’s thought points insistently towards is that the condition of possibility for negation in the first place is a *restriction* of what we mean by difference. In order to posit a difference, or a distinction between “this” and “that” – the very activity of negation – a generalized notion of difference, what Derrida calls *différance*, is first necessary. Derrida suggests that while Hegel understood this condition, he pulled back from its radical implications, a hesitation which Derrida does not share. In order to sketch, however briefly, what this generalized notion of difference might mean, and how it differs from Hegelian contradiction from which it is “at a point of almost absolute proximity,” it is important to first remember how it is that Spirit is able to be both self-present and self-identical.³⁰

Through the elevation of all that was immediate and particular to universality – the movement of the *Aufhebung* – philosophical thought trains the mind in order to protect it against “everything arbitrary.”³¹ Indeed, as Gasché points out, right or ethical thought is the result of this kind of intellectual training; the habit of transforming the immediate “out thereness” of sensible intuition into a universal and stable unity also transforms man’s immediate nature into an ethical, “second, intellectual nature.”³² And through elevating all that which was merely immediate and particular to the status of universality – the very activity of *Aufhebung* – “the mind becomes capable of identically repeating itself.”³³ In this sense, Spirit is able to produce itself as pure repetition, the constancy of which is such that at any moment, any entry point within Spirit’s development is always already grasped as itself the result of the previous moment.

Negation emerges in the movement of the *Aufhebung* in two distinct forms. The process through which any immediacy or singularity is grasped in a purely formal manner is what Hegel calls “abstract negation.” This “abstract” negation is purely formal (and thus abstract) because the object under

consideration is determined only in so far as *it is not* something else. In a second *speculative* form of negation, the immediacy of the previous moment is transcended through its interiorization. In this second form of negation, abstract negativity – the determination of the thing as “not this” or “not that” – is discovered to be itself subject to a further negation, a negation that does not return us to the starting point, but rather reveals the underlying unity of thought itself. “Abstract” negativity is itself *negated* and consequently preserved and lifted up into thought itself. In short, an initial wholly abstract negativity is, in turn, negated and made identical to thought.

Hegel thus determines *meaningful* difference exclusively as contradiction. As Hegel says, in a phrase to which Derrida has repeatedly drawn our attention, “difference in general is already contradiction in itself.”³⁴ Because difference is always-already understood as contradiction, negativity is also always necessarily one face of positivity within the system of the self-articulation of Absolute knowledge. In determining all difference as contradiction, Hegel positions negativity as necessarily opposed to a reassuring positivity; it collaborates with “the continuous linking-up of meaning.”³⁵

The emergence of conceptual thought arising from an abstractly negated immediacy – which itself is, in turn, *determinately* negated – is familiar enough. However, as I have suggested, Derrida points out that in order for it to lead to the consequence that Hegel designs for it – Absolute knowledge – a reduction or a *restriction* of difference is first necessary. “In naming the without-reserve of absolute expenditure ‘abstract negativity,’” Derrida says provocatively, Hegel “blinded himself to that which he had laid bare under the rubric of negativity.”³⁶

By this Derrida is suggesting that in conceiving “difference in general” in terms of contradiction, difference, for Hegel, is always a moment on the way to a specific goal: Absolute knowledge. Difference as simple diversity is found to be a specific determination of being: the pure repetition of Spirit. In the passage from abstract to determinate negation, a passage from merely “external” difference to speculative contradiction, lies a specific determination of the purpose of negativity – what Derrida points out is a *constriction* of difference – within a teleological progression towards speculative or absolute self-relation.³⁷ In naming un-manageable difference “abstract negativity” Hegel recruits the resource of logic to logic itself. As Rodolphe Gasché puts it,

as the underside and accomplice of positivity, negativity and contradiction are sublated and internalized in the syllogistic process of speculative dialectics. The dialectization of negativity, by which negativity remains within the enclosure of metaphysics, of onto-theology and onto-teleology, puts negativity to work.³⁸

Against this determination of difference as always-already contradiction, Derrida suggests that “what Hegel, the relevant interpreter of the entire history of

philosophy could never think is a machine that would work without being governed by an order of reappropriation."³⁹ He goes on to say that Hegel would be unable to think this machine, because working without meaning, it would "inscribe itself within it an effect of pure loss."⁴⁰ In short, Derrida's pointed accusation to Hegel is that the movement of the *Aufhebung*, what he calls the "economic law of absolute reappropriation of the absolute loss," appropriates all of the excessive outside of thought, and puts it to work in the service of meaning.⁴¹

To recapitulate, then, Derrida's analysis of speculative logic demonstrates that in order for its result to be Absolute knowledge, the "difference" or negativity that is the resource for thought must have already been determined; it is always already on the route to the Absolute. Derrida suggests that the condition of possibility for this *restricted* notion of difference is the possibility of what Hegel properly calls "difference in general." *Contra* Hegel, Derrida points out that this general difference is not already contradiction. Rather, it is a kind of alterity, which cannot be assimilated, represented, or even *thought*. Because this generalized difference "has no reserved underside," it can no longer be put to work; it "can no longer labour and let itself be interrogated."⁴²

In order to illuminate or even talk about this alterity that cannot be thought, Derrida's strategy is "[t]o go 'to the end' both of 'absolute reading' and of the negative without 'measure,' without reserve." This strategy, he says:

is not progressively to pursue logic to the point at which, *within discourse*, the *Aufhebung* (discourse itself) makes logic collaborate with the constitution and interiorizing memory of meaning, with *Erinnerung*. On the contrary, it is to convulsively tear apart the negative side, that which makes it the reassuring other surface of the positive; and it is to exhibit within the negative, in an instant, that which can no longer be called negative.⁴³

Importantly, it is by virtue of exhibiting what can no longer be called the negative – what Derrida calls the trace, *différance*, or the remains – that the strategic occupation of the *Aufhebung* "intervenes" *politically* in the process of speculative dialectics. This strategic occupation does not "destroy" or even radically change speculative dialectics, for, as Derrida says, "there is always *Aufhebung*."⁴⁴ However, insofar as it instigates what Stephen Melville calls a "simulacrum of the dialectic," which disrupts the *Aufhebung* "at every point of its itinerary," it demonstrates that there is always a "moment" upon which meaning, thought, representation, and knowledge necessarily depend, which is also unrecuperable *by* them.⁴⁵ The unrecuperability of the "resource" of logic means that the stability of meaning – the stability of representation and of knowledge – is always more uncertain than it seems, for there is a necessary

and constitutive exclusion in the production of these meanings, representations, or knowledges. To be sure, as Derrida points out, Hegel already “saw this without seeing it, showed it while concealing it.”⁴⁶ It is in this regard that Derrida cites Bataille approvingly, saying, “he did not know to what extent he was right.”⁴⁷

For these reasons, Derrida has maintained that the Hegelian critique of pure difference – abstract negativity as it is articulated in the *Science of Logic* – serves within his own work as “the most uncircumventable theme.”⁴⁸ As such, it is crucial that Derrida’s political interventions be understood in their own philosophical, which is to say, Hegelian, terms.⁴⁹

Interestingly, however, this is not the path Derridean scholarship has largely taken. For, rather than pursuing Derrida’s treatment of the speculative, the Anglo-American reception of deconstruction instead thematizes its ethico-political dimension in terms of the sacred. Thus, the past fifteen years have witnessed what might be identified as a new wave in the Anglo-American reception of Derrida’s work: the religious wave, represented by such thinkers as John Caputo, Jacqueline Brogan, and John Llewellyn.⁵⁰ Importantly, the unassimilable “other” is here understood, not in terms of the “event,” but in terms of the Levinasian infinite, the face of God. On this view, the “other” is no longer understood in terms of an interminable “difference.” Rather, it is understood in terms of absolute alterity, a distinction that will be crucial for evaluating the future of deconstruction. While I will not be focusing directly on the religious or Levinasian reading of Derrida’s work, it must be noted that the Levinasian mark is profound; consequently, an intrusion into religion is a risk inherent to Derrida’s thought. As this is a risk that must be carefully considered, I examine its implications in the second chapter of this book. To anticipate that consideration, let me say that the political–philosophical reading proposed here *does* converge with the religious or Levinasian one in a particular sense: Derrida’s work opens the discourse of philosophy to an Other that is no longer simply *its own* other.

The call of deconstruction

The curiously omnivorous quality of Hegel’s thought prompts Derrida to begin his master work on Hegel, *Glas*, with the words, “what, after all, of the remain(s), today, for us, here, now, of a Hegel?” He answers that question by saying, “What I had dreaded, naturally, already, republishes itself. Today, here, now, the debris of ... ” and ends *Glas* mid-sentence.⁵¹ For what remains of a Hegel, here, now – the debris or remnants of that massive totalizing project – continues to be “republished.”

“Republication” is both what deconstruction reveals, and, I argue, the process through which deconstruction opens up philosophy in general, and speculative dialectics in particular. For Hegel, while the speculative necessarily re-cognizes negativity insofar as the negative is always-already interred in

absolute identity, Hegel also insists that there is a real and concrete encounter between Spirit and the world, between identity and difference, and between universality and the particular. This encounter gives rise, for instance, to the concrete universality of ethical life. What Derrida notices is that this encounter is a necessarily *singular* one; the universal becomes concretized through an encounter with a concrete, singular case. Importantly, then, the existence of the singular marks the failure of the particular to be fully articulated with the universal. That is to say, Derrida's reading reveals that the singular, which is said to breathe concrete life into the abstract universal, is precisely what cannot appear "before the law" of speculative dialectics. For the instant the singular appears "before the law," the law (which requires the singular example to be already "behind" it, so to speak) is revealed as having failed; it has failed to inter the concrete particular within it. Stated differently, the law of speculative dialectics is always too early or too late for its application. This is what Derrida refers to as the *aporia* of time.⁵²

Most importantly, the way this *aporia* of time is overcome (strictly speaking, it *should* be a point of non-passage), is through the encryption – the incorporation – of the singular *into the law of speculative dialectics itself*. For the singular can never appear *as such*: like a ghost, it can never fully appear before the law or the universal. In this sense, and *contra* Hegel, the singular can never be fully absorbed by the general rule (since *as a pure singular* it is unintelligible). Rather, it encrypts itself and in this way hides within the repeatability, or, the *republishability*, of the universal. It does this for rather practical reasons: the singular is only intelligible in terms of what Hegel would call the particular, which is always already assimilated to the universality of the law. However, in this process of encryption, it re-marks, *re-publishes*, changes and transforms that law through its importation into a situation or occasion that is itself utterly unique.

In more colloquial terms, one might say that there is never a "moment" when politics and law actually meet. Nonetheless, the encounter between them takes place. This impossible "moment" where the law is always-already deconstructed by its own application – the interval between the universal and the singular – is what Derrida calls "justice." However, the transformation of the law in fact does not *confirm* the law it transforms. Rather, it enacts a brand new one which founds itself violently, if you will. The law of speculative dialectics – what Derrida in *Glas* calls the "law of the family" – is shown to be always temporally out of joint. In short, Derrida's examination of the *aporia* of time reveals the unsurpassable violence of the *Aufhebung*.

The encrypted "singular" that a deconstructive reading reveals does not refer to anything so abstract that it cannot be imagined. It is the occasion, the unanticipatable moment, in a phrase: the encounter between politics and the law. Understood in this way, politics – the singular encounter between the particular and universal, between justice and the law, between the "frailty of

action and ethico-political philosophy" – cannot be domesticated. It cannot be known, anticipated, or foreclosed by any rational discourse.

On this view, the end of modernity is simultaneously the end of the success that modern *philosophy* has had in domesticating the flux and undecidability of politics itself. Distinguishing between philosophy and what philosophy cannot contain – the singular – is itself, then, a politically motivated pursuit. It is in this sense that deconstructive readings – such as those Derrida undertakes of Hegel – are political. More importantly, however, this distinction also recasts the possible limits of political philosophy itself. For, deconstructive readings, not just of Hegel, but of everything from James Joyce to the American Declaration of Independence, reveal the spectrality (or, the non-presence) of politics for philosophy.⁵³ This is not to say that philosophy has nothing to say to or about politics. Rather, it is to argue that politics deconstructs philosophy. In short, the homogeneity of a philosophical text – and philosophical texts are properly considered *philosophical* insofar as they achieve homogeneity – is made impossible by the singular, a resource internal to it, upon which it relies, and yet which cannot itself be dominated by the systematic discourse.

Chapter breakdown

The exhibition or inscription of philosophy's "remainder" is more than a simple demonstration of the impossibility of philosophy's self-enclosure; it actually provides a resource for re-negotiating the political exclusions that result from the claim to just such a closure. In the cases that I treat in this book, the philosophical "antidote" – that I suggest deconstructive analyses point toward – is the strategic occupation of the *Aufhebung*, or the instigation of its *simulacra*, in a generalization of those economies that have been philosophically restricted. Thus, the restricted economy of difference at work in Hegel's semiology constitutes the focus of the first chapter, *Deconstruction and representation: tracing the sign*. I suggest that, among the features distinctive to the so-called "Hegel Renaissance" in twentieth-century French philosophy was a preoccupation with the implications of Hegel's theory of signification: absolute knowledge or absolute representation.

Two of the most important "Hegel Renaissance" thinkers – Alexandre Kojève and Jean Hyppolite – are struggling with the ways that Western philosophy has understood the sign up until Hegel. First, the sign was understood as the hinge between meaning as the signified (or the intelligible), and second, the sign was understood as that by which meaning is conveyed (the signifier, or sensible). What Hegel noticed is that the immediacy of sensible intuition, what I have been calling *singularity*, is blocked off by the mediation of the "here" and the "now." On the basis of this insight, Hegel argued that the sign cannot be a "secondary" instance whose task it is to represent a prior entity. On the contrary, Hegel argued that the sign is always a *primary* representation of

Mind or Spirit. The sign does not stand in for the “thing-in-itself” to which it refers. Rather, it is a representative or a delegate of *Spirit*. That the sign never stands in for the thing-in-itself is important, however, in that this is covered over in Hegel’s text by virtue of a process of doubled forgetting: what Hegel calls “mechanical memory.” Derrida’s analysis *departs* from that of Kojève and Hyppolite, in his insistence that the radical nature of Hegel’s insight is that signs are not grounded by the things to which they refer. In this way, he suggests that Hegel’s philosophy cannot be led to the closure at which it aims: absolute knowledge or absolute *representation*.

The second chapter, *Translating deconstruction: signing the trace*, follows directly from the first, insofar as I argue that the condition of possibility for *translation* is, in fact, a generalization of the economy of difference, which Hegel sought so valiantly to restrict. In this sense, translation, what Derrida has called “the structure of the remnant,” demonstrates the inevitability of *différance*, or the generalized economy restricted in “absolute representation.”⁵⁴ In fact, it is precisely because translation only works in and through a generalized economy of difference (or *différance*) that it has been an insistent theme of and for deconstruction. At the same time, deconstruction is itself a “translation” of French philosophy in North America. Therefore, the investigation of this chapter is located in a tension between the translation of deconstruction in America, and deconstruction as an extended meditation *on* translation. Implicated in that tension is the relationship that is the stated focus of this study: the relationship between philosophy and politics. What translation directly undermines is philosophy’s aim – brought to such a dramatic resolution in Hegel’s speculative system – to give rise to a guaranteed knowledge by fully comprehending exteriority. At the same time, translation equally gives the lie to the dream that a guarantee can be found in what is radically *exterior* to thought, an exterior that has regularly been given the name of “God.”

More specifically, the link between translation and the impossibility of philosophy’s closure is one suggested to Derrida by Walter Benjamin. As Benjamin argued, while philosophy attempts to *enclose* thought, both philosophy and thought are always necessarily opened by what thought cannot think; philosophy is necessarily breached and thus radically open in a way that is intolerable to thought itself. As Benjamin was also aware, this opening is *highly political*, for it means that philosophy cannot be guaranteed, a lack of guarantee that risks what Derrida calls “the worst.” At the same time, the lack of guarantee that attends the impossibility of philosophical totalization also means that politics is radically open in a way that is clearly interesting and positive for a progressive political project. I argue that the Anglo-American “translation” of deconstruction misrecognizes *différance*, or, “the trace,” as the radical *outside* to thought. In that misrecognition, the “translation” names that outside as “God,” in whose name it is possible to sign. But this signature fails to account for the very political force of deconstruction in the first place: a

philosophical undertaking that *thematizes* the intolerability to thought of this refused totalization. For, although thought's necessary openness is intolerable, it does not prevent it from happening, a happening, which, in Derrida's analysis, has a name: deconstruction. By opening to what cannot be guaranteed philosophically, philosophy opens onto what I mean by politics as "the event," or what Derrida calls the risk of "absolute surprise."

That the risk of "absolute surprise" is the risk not just of what Derrida calls "the worst" but is also the risk of "the best," constitutes the focus of the third chapter: *The messianic without messianism*. As Derrida tells it, *différance* is not merely the undoing of totalization, it is also a logical "promise" at work in any process of signification. In order to make sense of this logical promise, this chapter investigates the dynamics of time at work in Hegel's system of philosophical closure, and contrasts it to what Derrida argues is an unthematized dimension of time at work in Marx's notion of justice.

As I argue in the first two chapters, any positing – any naming of "what is" – is breached by what is not-yet, but promised in meaning: this will be. In this sense, the "present" must be understood as unontologizable, for it can only be gathered into being retrospectively. It is only ever afterwards, when the event has already happened, that we may say "it is." In order to be possible, the event must be "to-come," but we can only know it once it has happened. Thus, the promise is this: what is not and cannot be posited is coming, but its coming is not *not-yet*, but rather *already*. The future is already passed; it is no longer; it is the movement of *différance*.

The experience of this promise is what Derrida is calling the messianic without messianism, or without a radical outside known as "God." This is the experience that structures one of the most taken-for-granted and yet, for all that, enigmatic political-philosophical categories of modern thought: justice. As Derrida's analysis of Marx's texts indicates, distinguishing "justice" (of this variety) from bourgeois right was, in fact, Marx's undertaking. As I argue, distinguishing between "right" and "justice" can be illuminated by understanding bourgeois right in terms of the "restricted economy" of capitalism. Marx's notion of "justice," which rejects "the application of a general standard," is, in fact, predicated on what Derrida might call a "generalized economy of the gift."

The fourth chapter, *Mourning terminable and interminable: law and (commodity) fetishism*, continues to investigate what Marx meant by the "restricted" economy of bourgeois political economy. Specifically, examining Gillian Rose's objection to Derrida's analysis of Marx's analysis of the commodity returns us to the question of the "origin" examined in the first chapter. Whereas Rose insists that there was an "intact" self-identical qualitative object (or use-value) that preceded the process of commodification, she also insists that the loss ensuing from its being cast on the field of general equivalence can be fully mourned. By examining the debates in Marxism which issued from re-reading *Capital's* engagement with the first chapter of the *Science of Logic*, I

show that the way that “quantity” turns into “quality” is no simple procedure. This is due to the fact that the condition of possibility for “quality” is that it is always (already) quantity even in the Hegelian text (and equally so in Marx’s brilliant re-reading in *Capital*). Consequently, what can be shown to be buried (or lost) in the movement from use to exchange value was never “original,” and it can thus no more be mourned.

In the fifth chapter, *Justice and the impossibility of mourning: Antigone’s singular act*, I continue to investigate what Derrida has referred to as “the topical structure of mourning,” in order to deconstruct the justice–law distinction.⁵⁵ More precisely, I argue that among the most potent insights that a deconstructive mode of analysis can bring to critical legal studies is that the traditional law–justice distinction leans heavily on a fantasy of sexual complementarity. In this chapter and again in the next, I will argue that many traditional philosophical oppositions rely upon a fantasy of heterosexuality as *natural*. While in the restricted field in which Hegel’s *Aufhebung* works, “justice” emerges as the impossible point of contact between “philosophy” and “politics.” What makes this impossible point of contact seem to be possible, is what Hegel describes as the work of mourning. For mourning – the process that on the psychoanalytic reading involves the incorporation and eventual displacement of the emotional investment in singular, irreplaceable lost objects – uncannily mimics the interiorizing, memorializing activity of dialectical overcoming. It is precisely for this reason that Hegel is able to make such dramatic use of the tragic Greek figure of Antigone who so famously buries and mourns her brother against the dictates of the state. Antigone dramatically enacts the technical philosophical notion of sublation. On both the Hegelian and the more familiar psychoanalytic account, mourning is the “work” that “gets rid of the remains of the dead.” More precisely, as in every instance of abstract negation, the singular character Antigone must also function as the generalizable *sister*. The *Aufhebung* appears to function by virtue of what is structurally undecidable: whether Antigone is a singular character or a generalized particular. Indeed, as Hegel is fully aware, the singular can never appear *as such*. For precisely this reason, Hegel is not alone in figuring the singular and thus unrepresentable as “woman”: this attempt to represent the unrepresentable in the figure of “woman” has a long and venerable history in philosophical texts.

The question that this raises is one to which feminists have repeatedly returned: what would it mean for “woman” to figure as something other than the unrepresentable, to function as something *other* than the “other of the same”? Thus, the sixth chapter, *Generalizing the economy of fetishism*, explores how generalizing the economy of the fetish – an important counterpoint to the restriction identified repeatedly throughout this book – allows us to think the restriction of sexual difference otherwise. This chapter takes the feminist critique of psychoanalysis as a point of departure. Specifically, it engages with the argument that psychoanalysis describes femininity within

psychical norms of masculinity and thus cannot be appropriated or revised for feminist use. It returns to the *aporia* of time (and the disavowal of that aporia that makes time “possible”) and turns its attention towards the psychoanalytic process of disavowal itself, the central process at work in fetishism. What I discover is that Freud’s theory of fetishism has already mobilized a certain economy, which Derrida would call undecidability. In other words, the theory plays like a fetishist, with having its cake and eating it too. For, without the suspension of an important decision – what the fetish is a substitute for – the concept of the fetish itself is not possible. In the same way that a “generalized” understanding of writing makes the distinction between speech and writing possible, the possibility of “fetish” itself is made possible by suspending the question of what the fetish stands in for. For the *something* the fetish stands in for is a question that Freud suspends; the question of whether the fetish stands in the place of a *penis*, or stands in the place of “missingness” is infinitely deferred. This point is crucial, for unless the fetish is understood as opposed to a thing-itself – the thing that the fetish is supposed to be substituting for – the concept “fetish” becomes meaningless. A substitute, in other words, must substitute for *something*, or it cannot properly be called a substitute.

Fetishism and anxiety

Terry Eagleton’s felicitous phrase “after theory” captures the idea of being on the other side of the intolerable decision of what a thing “substitutes” for. It is the dream of being able to finally relax when thought is completely adequate to the world, when the restitution of thought to the world is accomplished. On some formulations this is the dream of justice. Justice, on this view, is the final accounting of all that is, the last judgment finally given, the moment when the law becomes adequate to all of the infinite number of human foibles and variations, the moment when philosophy can finally relax, take a breath, and know that its job is done.⁵⁶ The good news for the search for justice is that there is always politics. However, as Derrida knew, the arrival of justice is a dream bound to fail; in that sense, the bad news is that there is always politics.

Notes

- 1 David Cunningham, “Obituary Symposium” *Radical Philosophy* 129, January/February, 2005, p. 14.
- 2 There is perhaps no better explanation for the impossibility of fully offering an account or analysis of the unconscious than Freud’s image of the “navel” of the dream. As he says, “Every dream has at least one point at which it is unfathomable; a central point, as it were, connecting it with the unknown.” *Interpretation of Dreams in The Basic Writings of Sigmund Freud*, translated and edited by A.A. Brill (New York: Modern Library, 1938), p. 199, fn 2.
- 3 Paul de Man, *The Resistance to Theory* (Minneapolis, Minnesota: University of Minnesota Press, 1986).

- 4 Seyla Benhabib has described this procedure most aptly as “defetishizing critique” in *Critique, Norm, Utopia: A Study of the Foundations of Critical Theory* (New York: Columbia University Press, 1986). I take up the question of the fetishism of commodities in Chapter 5, and deconstruction’s relationship to defetishizing critique directly in Chapter 6.
- 5 Terry Eagleton, *After Theory* (New York: Basic Books, 2003).
- 6 The most celebrated of these was the debacle at Oxford concerning Derrida’s honorary doctorate. For Derrida’s own recounting of this, see “This is Also Very Funny.” For a less sympathetic look at this anxiety, see *New York Times* obituary published after Derrida’s death.
- 7 Jacques Derrida, “Violence and Metaphysics,” in *Writing and Difference*, translated and with an introduction by Alan Bass (Chicago, Illinois: University of Chicago Press, 1978), p. 84.
- 8 Jacques Derrida, “Declaration of Independence,” in *Negotiations: Interventions and Interviews, 1971–2001*, edited, translated, and with an introduction by Elizabeth Rottenberg (Stanford, California: Stanford University Press, 2002), p. 50.
- 9 While Robert Pippin and I are very far apart in our appreciation and understanding of Hegel’s thought, on this point we are in wholehearted agreement. As he says, “To many, the idea of a topic like ‘philosophical modernism’ is so vague and misleading that it is better avoided than embraced. To others ... post-Kantian idealism is an episode in Western philosophy of interest only for historical reasons; the last attempt at systematic, a priori philosophy about ‘how things really are’ the very excesses of which finally revealed the foolishness of such attempts. There is not, goes the skepticism, much of value in the vague category of modernism, certainly not much promising in speculative idealism, and much that now looks historically dated and quite naïve.” *Idealism as Modernism: Hegelian Variations* (Cambridge: Cambridge University Press, 1997), p. 2.
- 10 This idea of the aporetic structure of time is highly indebted to Richard Beardsworth’s ‘excellent *Derrida and the Political* (London, New York: Routledge, 1996).
- 11 See the volume by this name.
- 12 Jacques Derrida, “Ends of Man” in *Margins of Philosophy*, translated by Alan Bass (Chicago, Illinois: University of Chicago Press), p. 112.
- 13 Ibid.
- 14 Derrida, “Violence and Metaphysics,” p. 81.
- 15 Ibid., p. 51.
- 16 Here we might remember Oedipus’ answer to the Sphinx who asked “what creature is it that walks with four limbs, two limbs and then three?” To this, Oedipus threw the one-word answer: *anthropos*.
- 17 Jacques Derrida and Elisabeth Roudinesco, *For What Tomorrow ... : A Dialogue*, translated by J. Fort (Stanford, California: Stanford University Press, 2004), pp. 96–97, original emphasis.
- 18 For a discussion of the prefatory nature of philosophy in general, and Hegel’s philosophy in specific, see Jacques Derrida “Outwork, prefacing” in *Dissemination*, translated and with an introduction by Barbara Johnson (Chicago, Illinois: University of Chicago Press, 1981).
- 19 Derrida, *Of Grammatology*, introduced and translated by Gayatri Spivak (Baltimore, Maryland: Johns Hopkins University Press, 1976), pp. 98, 99.
- 20 While all of these terms refer to writing, they differ from each other according to the context in which they are used. The *pharmakon* is Plato’s word for writing, and it means both treatment and poison. *Hymen* is a term used by Mallarmé in his reflections about writing, and means both virginity and consummation. Derrida

analyzes all of these in *Dissemination* (in "Dissemination," "Plato's Pharmacy" and "The Double Session," respectively). The *supplement* is Rousseau's term, and it means both the missing and extra piece in writing. The *gram* is neither signified nor signifier, and in that sense, neither presence nor absence. Both of these are discussed by Derrida in *Of Grammatology*.

- 21 Indeed, Derrida makes the somewhat curious claim that *différance* is "older than the ontological difference, or than the truth of Being." How *différance* could be in whatever "strange" way, more radical than Being itself, remains to be seen. Derrida, "Différance" in *Margins of Philosophy*, p. 22.
- 22 Ibid., p. 7.
- 23 Ibid., p. 14.
- 24 Derrida, "Ja or the faux-bond," in *Points ... :Interviews, 1974-94*, p. 43.
- 25 Derrida, *Dissemination*, p. 248, n. 53.
- 26 It is important to note that this process of inscription is itself a complex and explicitly anti-Hegelian strategy. It works against "the concept of position" which "in Hegelian dialectics, is always, finally, to pose-oneself by oneself as the other of the Idea." Against this always re-appropriating tendency, Derrida says, "Inscription ... is not a simple position: it is rather that by means of which every position is of itself confounded." *Positions*, translated by Alan Bass (Chicago, Illinois: Chicago University Press, 1981), p. 96.
- 27 Derrida, *Of Grammatology*, p. 24.
- 28 As Derrida says, "[Hegel] must be followed to the end without reserve, to the point of agreeing with him against himself and of wresting his discovery from the too conscientious interpretation he gave of it." Derrida, "From a General to a Restricted Economy: A Hegelianism without Reserve," *Writing and Difference*, pp. 259, 260.
- 29 Ibid., p. 260.
- 30 Derrida, *Positions*, p. 44.
- 31 Gasché, "Strictly Bonded" in *Inventions of Difference: On Jacques Derrida* (Cambridge, Massachusetts: Harvard University Press, 1995), p. 171. I discuss this process of training, what Gasché calls "habit," in terms of Hegel's notion of memory as memorization below, in Chapter 1.
- 32 Hegel's *Philosophy of Right*, translated by T.M. Knox (Oxford: Oxford University Press, 1967), pp. 108-9.
- 33 Gasché, "Strictly Bonded," p. 171.
- 34 Hegel, *Science of Logic*, translated by A.V. Miller (New York: Humanities Press, 1969), p. 431. Derrida refers to this phrase in *Positions*, p. 101, and in *Dissemination*, p. 6, n. 8.
- 35 Derrida, "From a General to a Restricted Economy," p. 259.
- 36 Ibid.
- 37 While the logic of restriction, the strict, the stricture and so on, is a regular theme in Derrida's work, what is most significant for my purposes is that it cannot be simply counterposed, for its "other" would simply be the other of the same. Rather, it must be negotiated by way of generalizing the economy that it restricts. For instance, as Marion Hobson argues, the restriction has as its "counterpoint and counterpart ... the process of the fetish." I take up the way that the fetish works as a counterpoint to the stricture of sexual difference below in Chapter 6: "Generalizing the economy of fetishism." For an illuminating discussion of the stricture, see Hobson's *Jacques Derrida: Opening Lines* (London: Routledge, 1998), pp. 160-69, as well as her earlier "History Traces" in *Poststructuralism and the Question of History*, D. Attridge, G. Bennington, R. Young, ed. (Cambridge: Cambridge University Press, 1987), pp. 108-9.

- 38 Rodolphe Gasché, "The Interlacings of Heterology," in *The Tain of the Mirror: Derrida and the Philosophy of Reflection* (Cambridge: Cambridge University Press, 1986), p. 102.
- 39 Jacques Derrida, "The Pit and the Pyramid" in *Margins of Philosophy*, p. 107.
- 40 Ibid.
- 41 Derrida, *Glas*, translated by John P. Leavey Jr. and Richard Rand (Lincoln, Nebraska: University of Nebraska Press, 1986), p. 133a. The question of what is lost in the emergence of conceptual thought is a recurring theme in this study. For instance, the "remains" of thought in the production of signification is the focus of the last section of Chapter 1, and the naming of this excessive moment as a radical exteriority or "God" constitutes the focus of Chapter 2. I return to this question and the procedure of the *Aufhebung* as mourning and thus incorporating these remains in Chapters 4 and 5, and again in a consideration of the remains of sexual difference in Chapter 6.
- 42 Derrida, "From a Restricted to a General Economy," p. 260.
- 43 Derrida, "From a General to a Restricted Economy A Hegelianism without Reserve," *Writing and Difference*, 1978, pp. 259, 260.
- 44 Derrida, *Positions*, pp. 92, 94.
- 45 Stephen Melville, *Philosophy Beside Itself: On Deconstruction and Modernism*, foreword by Donald Marshall (Minneapolis, Minnesota: University of Minnesota Press, 1986), p. 60.
- 46 Derrida, "From a Restricted to a General Economy," pp. 259–60.
- 47 Ibid., p. 259.
- 48 Derrida, *Writing and Difference*, p. 320n.
- 49 This is not to say, of course, that Derrida's thought does not engage meaningfully with that of, for example, Heidegger, or Freud, or Nietzsche. Rather, it is to make the argument that the idiom of difference and "otherness" with which Derrida's thought engages is itself already a Hegelian one. For more on this point, see, "Yes, Absolutely" from Gasché's *Inventions of Difference* (Harvard, Massachusetts: Harvard University Press, 1994).
- 50 See in particular, John D. Caputo, *The Prayers and Tears of Jacques Derrida: Religion without Religion* (New York: Fordham University Press 1997).
- 51 Derrida, *Glas*, pp. 1a, 262b.
- 52 Paul de Man explains this dimension of Hegel's thought most succinctly. He says: "We can verify ... facts by way of the experience of our own thought, by testing them, trying them out upon ourselves. But this experimentation is only accessible to those ... who are capable of thought. The proof of thought is possible if we postulate that what has to be proven (namely that thought is possible) is indeed the case. The figure of this circularity is time. Thought is proleptic: it projects the hypothesis of its possibility into a future in the hyperbolic expectation that the process that made thought possible will eventually catch up with this projection." "Sign and Symbol in Hegel's *Aesthetics*" *Critical Inquiry* 8, summer 1982, pp. 761–75, 769–70.
- 53 See Derrida, "Ulysses Gramophone: Hear Say Yes in Joyce," from *Acts of Literature*, ed. Derek Attridge (London: Routledge, 1992); and "Déclarations d'indépendance" in *Otobiographies: L'enseignement de Nietzsche et la politique du nom propre* (Paris: Galilée, 1984).
- 54 Derrida, "Living On/Borderlines" in *Deconstruction and Criticism*, Harold Bloom, Paul Deman, Jacques Derrida, Geoffrey H. Hartman, and J. Hillis Miller, ed. (New York: Seabury Press, 1979), p. 81b.
- 55 Derrida, "Ja, or the faux-bond" in *Points ... : Interviews, 1974–94*, p. 67.

- 56 In a most poignant articulation of this dream, see the opening lines of Theodor Adorno's *Negative Dialectics*, where he writes: "because the chance to win the world was lost, philosophy lives on." Here Adorno is pointing towards philosophy's own conceit, its own unexamined condition for being, which is to say, its ability to finally produce an account of the world, of its substance, its becoming and its ends, where philosophy, which is to say thought's own accounting of and for itself, is finally accomplished. *Negative Dialectics* (New York: Continuum Press, 1983), p. 3.

Deconstruction and representation: tracing the sign

The tremendous power of the negative [is] the energy of thought, of the pure 'I'. Death, if that is what we want to call this non-actuality, is of all things, the most dreadful, and to hold fast what is dead requires the greatest strength. Lacking strength, Beauty hates the Understanding for asking of her what it cannot do. But the life of Spirit is not the life that shrinks from death and keeps itself untouched by devastation, but rather the life that endures it and maintains itself in it. ... Spirit is this power only by looking the negative in the face and tarrying with it.

Hegel, *Phenomenology of Spirit*, 1970, p. 39

We cannot do without the concept of the sign, for we cannot give up this metaphysical complicity without also giving up the critique we are directing against this complicity, or without the risk of erasing the difference in the self-identity of a signified reducing its signifier outside itself. For there are two heterogeneous ways of erasing the difference between the signifier and signified: one, the classic way, consists in reducing or deriving the signifier, that is to say, ultimately in submitting the sign to thought; the other, the one we are using here against the first one, consists in putting into question the system in which the preceding reduction functioned: first and foremost, the opposition between the sensible and the intelligible.

Jacques Derrida, "Structure, Sign and Play in the Discourse of the Human Sciences," 1978, p. 282

In order to elucidate the central argument of this study – that the *political* dimensions of deconstruction are meaningfully illuminated by Derrida's interrogation of Hegel – I want to begin by placing Derrida's project in the context of a more general history of twentieth-century French political thought. As many have noted, twentieth-century French thought has been marked by a political preoccupation with the metaphysics of closure that is said to be indigenous to the Hegelian system. This closure – what Hegel calls absolute knowledge – can be more meaningfully understood as absolute *representation*. Thus, the French preoccupation with Hegel's thought can be understood as concerned with the political stakes of philosophy's claim to represent reality absolutely, without exclusion or error. Set in this context, two things become clear: that Derrida's reading of Hegel makes use of an established set of

concerns and questions, and that Derrida's reading brings something wholly new into focus.

The concerns and questions that I refer to relate to the renowned "Hegel Renaissance," represented by such thinkers as Alexandre Kojève, Alexandre Koyré, and Jean Hyppolite.¹ While the closure of Hegelian metaphysics has always prompted dismay – indeed, such thinkers as Feuerbach, Kierkegaard, and Marx are all inspired by the question of what the Hegelian system ignores or forecloses – nowhere has Hegel's claim – that the *logos* of everything is the logical structure of identity-in-difference – struck a more responsive chord than in twentieth-century France, where much contemporary philosophy and art can be understood as extended responses to and critiques of Hegelian philosophy. Indeed, Vincent Descombes has characterized the history of twentieth-century French philosophy in terms of a series of successive attempts to escape the omnivorous circle of Hegel's speculative dialectics, which predicates that very closure.²

In attending to this closure, as I shall show, Derrida's reading of Hegel is thus very much in keeping with twentieth-century Hegel scholarship in France. What is new about Derrida's intervention, however, is that it focuses not so much on escaping the closure of Hegelian metaphysics, but rather on making use of the elided moments of rupture and discontinuity which make the illusion of systematicity possible in the first place. Moreover, as I will show, Derrida's strategy in this regard is to expose errors by writing *about* the gaps or discontinuities in the Hegelian system. Derrida inscribes the "remains" which the Hegelian text reveals in the very gesture of covering them over.

In order to demonstrate the significance of this strategy with regard to the politics of deconstruction in general, I have structured this chapter around an analysis of two of the most important texts of the French "Hegel Renaissance": Alexandre Kojève's influential *Introduction to the Reading of Hegel* and Jean Hyppolite's *Logic and Existence*.³ More precisely, I read these texts in light of the very earliest of Derrida's readings of Hegel, "The Pit and the Pyramid: An Introduction to Hegel's Semiology."⁴ For only in the wake of Derrida's reading of Hegel does it become possible to notice that Kojève's and Hyppolite's texts are both preoccupied with a central concern of Hegelian philosophy: the way that the transition from sensible perception to conceptual thought is accomplished by way of the *sign*. As my discussion will show, the question of the sign's function is not marginal to the Hegelian project; on the contrary, it is only by virtue of the sign that Spirit is freed from dependency upon the empirical or sensible world. In short, on the view offered by Derrida's reading, it becomes possible to notice that the function of the sign has been a persistent theme of French Hegel studies.

The specific problem with which Kojève and Hyppolite can be shown to struggle is that reflection upon the function of the sign and, accordingly, upon processes of signification reach an apex and indeed a crisis in the Hegelian text. More precisely, both readings contend with the fact that while the

Western philosophical tradition has always understood that the aim of language is immediacy, what Hegel noticed is that this immediacy, this *singularity*, is blocked off by the mediation of the "here" and the "now." "Here" and "now" are always in an uncontrollable slippage; no two "nows" are ever simultaneous, no two "here's" ever occupy the same place. On the basis of this insight, Hegel argued that the sign cannot be a "secondary" instance whose task it is to represent a prior entity. On the contrary, Hegel argued that the sign is always a *primary* representation of Mind or Spirit itself. The sign does not stand in for the "thing-in-itself" to which it refers, but is, rather, a representative or a delegate of *Spirit*.

While Hegel believes his semiological theory to be consistent with that of Western philosophy generally – and particularly with that of Aristotle – insofar as it "proceed[s] from psychology,"⁵ it does break decisively with that tradition insofar as it positions the sign and its referent in a relationship of *dialectical contradiction*.⁶ Unlike those theorists for whom the word refers directly to the thing-in-itself, mirroring or re-presenting it always somewhat imperfectly, on Hegel's telling, the sign effectively both destroys and preserves the referent, by determinately negating it, consequently leaving no remainder. In this sense, knowledge can be absolute for Hegel, because inherent to the process through which Mind or Spirit produces itself as a system of signification, nothing meaningful is excluded or left out.

What Derrida's analysis shows is that the absolutism of that knowledge is necessarily compromised, for it emerges that the sign leaves behind an unassimilable remainder. And this remainder is unrecoverable by and for knowledge, such that neither knowledge nor representation can be absolute. Therefore, this remainder is covered over by a necessary gesture: the remains are disposed of or buried in what Hegel calls a "mine-like pit."⁷ For, as the title of Derrida's text indicates, Hegel's discussion of the sign is organized around the twinned metaphors of a "pit" in which sensible intuitions are transformed into universal ideas or concepts, and a "pyramid" or sign which those concepts *become*. What Derrida's analysis goes to show is that "the path [from the pit to the pyramid] following the ontotheological route, still remains circular, and ... the pyramid becomes once again the pit that it always will have been."⁸

By this circularity Derrida is referring to the way that, for Hegel, the image of the thing-in-itself which lies inert in the "pit" or human unconscious, functions *as though it were* the thing or referent itself. The reason Hegel can position the sign and its referent in a relationship of dialectical contradiction, and thus claim that the sign sublates the thing towards which it refers (leaving no remainder), is precisely because the referent – what Hegel calls the object in its singularity – only has existence insofar as it is always already an image of and for Spirit. Said slightly differently, what Hegel means by the thing-in-itself is the *image* of the thing-in-itself that Mind intuits, and is thus itself already "on the side of the subject." This is another way of saying that what Hegel refers to as the thing-in-itself – the general field of "nature" which Hegel

demonstrates that thought, and thus language, stabilizes – has always already been determined; it has been abstractly negated. In this sense, the negativity with which Hegel's Spirit "tarries," can be shown to be always already determined as a moment on the way to the Absolute.

Importantly, the possibility for that negativity is an *interminable* negativity that cannot be assimilated, represented or even *thought*, an interminable negativity that is precisely the remainder Hegel so deftly disposes of. The result of Derrida's strategy – of inscribing this remainder in the Hegelian text – is thus momentous: because this remainder is both an uncircumventable precondition for thought, and yet precisely what eludes conceptual thinking, the philosophical project cannot be led to the closure at which Hegel's system aims, which is absolute knowledge or absolute *representation*.

Indeed, the circular relationship by which the pyramid becomes the pit "that it will always have been," Derrida elsewhere calls "writing." By "writing," Derrida does not mean letters arranged on a page, nor, indeed, any kind of material vehicle. Rather, by writing, or what might be more precise to say, by *arche-writing*, Derrida means the process by which "the signified always already functions as a signifier."⁹ In other words, Derrida's insight about signification in general, and about Hegel's semiology in particular, is that because what we might think of as the referent is always discursively constituted, the signified/concept does not point unequivocally to the "thing-in-itself" but rather towards a phenomenon which is, on a certain view, already itself *in language*. This strange turn of thought, whereby the sign in Hegel's thought is an entirely linguistic creation – the very phenomenon, that, on Hegel's view, liberates Spirit from the "thing-in-itself" – is precisely what leads Derrida to declare that Hegel was "the last philosopher of the book and the first thinker of writing."¹⁰ In short, on the reading that I offer here, Derrida's scandalous phrase, "*il n'y a pas hors de texte*," could have been said by Hegel as well.

Indeed, both Kojève's and Hyppolite's readings can be shown to be grappling with the problem that just as the sign moves into view and becomes a privileged object of reflection, it also becomes a volatile object, unsure of its vocation. Thus, as Derrida suggests, paradoxically, the very reflection upon the sign which Hegel's text heralds, itself puts the identity of language into crisis.¹¹ On this basis, I want to suggest that Hegel's unwitting accomplishment – pointing toward the impossibility, or, the *failure* of absolute representation – is what fuelled the Hegel Renaissance in France in the twentieth century.

For as I have suggested, Derrida does not come to the conclusion that Hegel's theory of the sign is an important moment of rupture – one of the moments where the illusion of systematicity is made possible only by extraordinary means – by himself. Indeed, as I will show, the careful work of those philosophers who brought Hegel to the centre of the French philosophical scene was indispensable for Derrida's reading.¹² However, while Kojève and Hyppolite struggle with the "linguistic" nature of Hegel's referent, neither

thinker is ultimately able to escape the problem presented by Hegel's philosophy of absolute representation. In fact, it is only retrospectively – in light of Derrida's reading – that the novelty of this dimension of these thinkers becomes apparent.

The French reception of Hegel

The depth of Hegel's influence upon contemporary French philosophy is difficult to convey to an English-speaking audience trained in an Anglo-American tradition. Indeed, the Anglo-American analytic school of philosophy that was developed by Moore, Russell, and others in explicit revolt against idealism, focused in particular upon Hegel's influence.¹³ In a similar fashion, a principal motive for the development of the logical positivism of the Vienna Circle was the presumed dangerous contortions of Hegel's thought.

It must also be admitted from the outset that until relatively recently, Hegel's position within the tradition of North American political theory has been equally uncertain. To be sure, both Charles Taylor's work on Hegel, which addresses itself explicitly towards the analytic tradition, as well as that undertaken by H.S. Harris, have gone some way toward re-instituting Hegel as a serious member of the tradition. However, following Taylor's lead, the emphasis within political theory has been upon Hegel's so-called "political writings" at the expense of his logical ones. As Taylor has said, "while Hegel's ontology is near incredible, his philosophy is very relevant to our age."¹⁴ On this basis, Taylor argues that Hegel's political philosophy can be re-evaluated in terms of "some of today's basic issues."¹⁵ In this sense, Hegel's place within the tradition of North American political theory is marked by the history of the analytic philosophical tradition's round rejection of Hegel's ontology.

Of course, William Desmond has commented that the power of Hegel's legacy is precisely that his thought appears to prefigure, among other things, this very rejection; in the Hegelian vernacular, the split between analytic and Continental philosophy emerges as one more diremptive moment in need of mediation. As Desmond says, "Hegel emerges as ... our contemporary in a way helpfully beyond the split of Continental and analytical thought ... He is beyond it, because he is before the split."¹⁶

In this sense, Desmond is pointing towards the phenomenon which, since the eighteenth century, has perplexed, delighted, and enraged readers of Hegel: even those currents of thought which have sought most forcefully to repudiate and reject Hegel's thought can, in the end, by the standards of Hegel's thought itself, be found to be looped back inside the dialectic. Strictly speaking, the difficulty in finding an alternative to the dialectic is that its operation already includes its negation. Any opposition, in other words, is always recuperable to the workings of the dialectic itself. Michel Foucault expresses this dilemma succinctly in his inaugural speech to the Jean Hyppolite chair at the College de France:

To truly escape Hegel involves an exact appreciation of the price we have to pay to detach ourselves from him. It assumes that we are aware of the extent to which Hegel, insidiously perhaps, is close to us; it implies a knowledge, in that which permits us to think against Hegel, of that which remains Hegelian. We have to determine the extent to which our anti-Hegelianism is possibly one of his tricks directed against us, at the end of which he stands, motionless, waiting for us.¹⁷

It is important to be clear, however, that Hegel's thought was not always so central to French philosophy. For, as Stuart Barnett points out, in the early part of the century Hegel was regarded as a pan-logical apologist for German nationalism, and his writings were eschewed in France.¹⁸ Indeed, in 1931, Alexandre Koyré reported to the first Hegel Congress:

I am somewhat afraid that, after the reports of my German, English and Italian colleagues which are so rich in facts and names, my report on the state of Hegelian studies in France will seem very meagre to you in comparison.¹⁹

Within twenty years this situation was so changed that thinkers as diverse as Georges Bataille, Maurice Merleau-Ponty, Jacques Lacan, Emmanuel Levinas, Jean Paul Sartre, and Simone de Beauvoir were all seriously engaged in an extended dialogue with Hegel's work.

Not uncoincidentally, in 1931, Koyré apologized for the paucity of Hegel studies in France, the same year that Marx's *Economic and Philosophical Manuscripts* were discovered and published. Written in Paris in 1843–44, these earliest writings on political economy are thoroughly Hegelian in structure and inflection. In order to understand the impact of the discovery of these manuscripts, it is important to note, as Mark Poster points out, that until the 1930s the only works of Marx that were widely available in French were *Capital* and *The Communist Manifesto*.²⁰ In short, this so-called Hegelian Marx had little other company.

Indeed, the 1930s saw a variety of events conspire to turn Marxism's theoretical direction in France firmly towards the thought of Hegel. Among these events, the brilliantly timely analysis of Hegel's *Phenomenology of Spirit* undertaken by Alexandre Kojève cannot be overestimated. During the period 1933 to 1939 Kojève delivered a series of groundbreaking lectures on the *Phenomenology* at the *École Pratique des Hautes Études* in Paris, which immediately attracted the attention of the French intelligentsia.²¹ The novelty of Kojève's reading was that it deviated from the earlier interpretation popular in France, that Hegel's thought represented a triumphalist pan-Germanicism, and focused instead on the relevance of Hegel's thought for the social and political situation in France between the wars. In particular, Kojève's insistence on the agonistic nature of human consciousness in the unfolding of world

history struck a resounding chord in the intellectual climate of France leading up to the Second World War. As is widely known, the central *motif* of Kojève's analysis of Hegel was the master-slave dialectic, an admittedly slim portion of the entirety of the *Phenomenology of Spirit*. As Stuart Barnett puts it, "with this reading of the master/slave relation, Kojève was able to transform Hegel from an apologist for Prussian militarism to a Marxist phenomenologist."²²

Indeed, it is impossible to understand the peculiar trajectory of Marxism in France without taking account of the productive cross-pollenization of Marx with a certain Kojévian Hegelianism in the 1930s and 1940s. While the ground for this perspective had been prepared a decade earlier with the appearance of Georg Lukacs' important *History and Class Consciousness* – a text that changed the direction of Western Marxism with its claim that "history takes methodological precedence over economics" – the roots of Hegel's "Marxification" (and the subsequent Hegelianization of Marx) in France were much more straightforwardly political than that.²³ Kojève's reading of Hegel intervened in a crisis within Marxist philosophy, which corresponded to one of the most decisive political crises of the twentieth century: the deep social unrest that emerged in the years leading up to and following the Wall Street crash of 1929 and the botched attempts of the Communist International to come to terms with it. In other words, Kojève's reading of Hegel did not, by itself, give rise to the post-war Marxist preoccupation with such Hegelian themes as alienation, existence, and dialectics. Rather, this preoccupation was itself a reaction against what Adorno called the "miscarriage" of "the attempt to change the world," which took place in the crucial years leading up to the Second World War.²⁴

Kojève's Hegel: the case of the missing body

Kojève's lectures created a sensation among the Parisian intelligentsia during the late 1930s, but it was really only with their publication in 1947 that they found a more general audience. What is perhaps most well known is that Kojève provided a thoroughly "anthropological" reading of Hegel. Specifically, by focusing on the transition from consciousness to self-consciousness in which the struggle for recognition happens between master and slave, Kojève detranscendentalized Hegel's speculative idealism. Foregrounded in Kojève's revised understanding of the master and slave is a powerful image of man as a self-creating being arising out of the dialectic between his labor and the natural world it transforms.

The power by which the natural world is stripped of its "here and now-ness," and transformed into something man completely controls, that is, conceptual thought, is what Hegel calls in the epigraph to the chapter, the "energy of thought."²⁵ Through this miraculous energy, which is, in fact, a formal and negative relationship to difference, "nature," or what is merely *given*, is

transformed into a world of culture, history, and technology. In this way, Spirit is freed from its dependence on the natural world and left free to contemplate only its own existence. What is most innovative about Kojève's analysis of Hegel is the particular way that he understands negativity – the relation to difference – as human desire.

Thus, while there is nothing new in understanding that the condition of Spirit's freedom is its return from alienation in "nature," on Kojève's reading of Hegel, desire is the reflexive structure of consciousness: desire signifies Spirit *qua* human consciousness' need to become other to itself in order to know itself. In other words, desire is the desire for reflection. It is the quest to make identical to itself that which appears to be different. In the section on "Lord and Bondsman," around which Kojève's analysis so famously pivots, this desire for reflection is, in turn, transformed into the desire for another's desire, which is to say, the desire for recognition. Indeed, the increasing sophistication of desire's aim throughout the *Bildungsroman* which is *The Phenomenology of Spirit*, and of which the fable of master and slave is only one moment, tells the story of man's move from simple self-certainty through to reason. It is a story in which the subject continuously expands its ability to discern identity in what appears, at first glance, to be different. On Kojève's reading, it is thus specifically the work of desire that transforms the natural world "out there" into a conceptual world "in here."

Interestingly, Kojève's de-transcendentalized notion of Spirit seems to rely on and to anticipate a remarkably contemporary notion of "discourse." As he says:

Hegel's Spirit is not ... truly a 'divine' Spirit (because there are no mortal Gods): It is human in the sense that it is a *discourse* that is immanent to the natural World and that has for its 'support' a natural being limited in its existence by time and space.

(ID: 123, emphasis mine)

In fact, Spirit is nothing more than this discourse that relies on, or has as its "natural support," concrete human beings. For, as Kojève says, no matter what people may say, "discourse does not fall from heaven ... it expresses a thought that belongs properly to an Ego, [and] this Ego has necessarily an empirical-existence in the natural spatio-temporal World" (ID: 130). In this sense, Kojève's "anthropological" analysis of Hegel shifts the focus from Spirit understood as a deity, to Spirit understood as the development and self-articulation of human language.

Indeed, on Kojève's view, the task of philosophy is to make sense of the character of that discourse, to explain the fact that it has achieved an autonomous existence. As he says, "it is precisely the reality of discourse that is the miracle that philosophy must explain" (ID: 129). For Kojève argues that "Spirit is the Real revealed by Discourse" because its constituent moments, or

signs, are utterly independent of the things-in-the-world to which they refer: their referents (ID: 132).

The independence of signs takes place by virtue of two moves. First, the desiring subject, whose goal, we remember, is to make identical to itself all that appears to be different, strips the spatio-temporal world of nature of its immediacy through the “power or force of abstraction” and, in so doing, rediscovers “external” existence as “internal” concept (ID: 126). It takes the differentiated, external world of “things” and abstractly negates them, rendering them as “internal” concepts.

Generally speaking, when we create the concept of a real entity, we detach it from its *hic et nunc*. The concept of a thing is that thing itself as detached from its given *hic et nunc*. Thus, the concept ‘this dog’ differs in no respect from the real concrete dog to which it is ‘related’ except that this dog is here and now, while its concept is everywhere and nowhere, always and never.

(ID: 126)

What the subject detaches from things-in-themselves in the creation of concepts, then, is their “here-and-nowness.” And the abstracting force which strips “mere existence” of its immediacy – its “here-and-nowness” – so that its essence can be extracted, is more precisely identified as “the awesome power of the Understanding” (ID: 127).

I said that the independence of the sign happens by virtue of two moves. However, while Kojève is clear about the first – that things are stripped of their immediacy in order to be rendered as concepts – his analysis actually elides the second move, the “incarnation” of those concepts into words that have no relation whatsoever to the things they refer to. This is the move, in other words, that establishes that the word and its referent are in a relationship of *dialectical contradiction*, that the word determinately negates its referent, destroying and conserving it. As Kojève says, “thanks to the absolute power of the Understanding, the essence becomes meaning and is incarnated in a *word*” and thus, “there is no longer any ‘natural’ relationship between it and its support” (ID: 129). As I shall show, as a result of this elision, Kojève’s answer to the question, “How can we explain the autonomy of discourse?” in fact begs a necessary prior question: “What happens to the immediacy of ‘things-in-themselves’ in their transformation into essence-concepts?”

Kojève explains that the “essence” or meaning that is extracted from the thing “does not float in the void: It is necessarily the meaning of a *word*” (ID: 127). The concept of the thing is not “separated from its natural support” and left “situated outside of time and space” (ID: 127); the Understanding does not extract the essence from the thing in order to leave it suspended (ID: 127). Rather, the meaning or essence is:

attach[ed] as meaning-idea, to the specific support of a discourse that is also, itself, [something] here and now (since it is a discourse endowed-with-a-meaning only to the extent that it is comprehended by some *concrete* man).

(ID: 127)

What Kojève is struggling with here is the curious way that meanings cannot be thought separated from what Kojève calls “the specific support of discourse” (ID: 127). Meanings – concepts or signifieds – do not, as Kojève quite rightly points out, float freely. While Kojève is right to notice that concepts are always embodied in words, what he doesn’t attend to is the fact that concepts are not just *embodied* in words, they are *nothing but words at all*.

Desiring negativity *is* the power that produces signs by negating the sensory temporal-spatiality of things. However, the question that I am suggesting Kojève begs is this: “What happened to that temporal-spatiality?” In fact, the formulation that Kojève here proposes *covers over* the answer to the very mystery that Kojève sets out to solve: “How it is that discourse comes to have an autonomous existence?” For, rather than answer how the concept comes to be incarnated in a word, Kojève instead switches focus, back to the miracle of the autonomy of those words from the things to which they refer.

Kojève tells us that on Hegel’s account, what is miraculous is that “something that is really *inseparable* from [some] other thing achieves nevertheless a separate existence” (ID: 129), and Hegel finds this miraculous for a very practical reason. In so far as discourse is autonomous from nature, conceptual thought has the ability to continue, even when the “thing-in-itself” from which the concept has been extracted is no more. Thus, as Kojève tells us, “the meaning embodied in the word ‘dog’ can continue to subsist even after dogs have disappeared from the earth” (ID: 129). The negative power of the Understanding, which transforms *this* or *that* “dog” into the concept “dog,” which is, in turn, necessarily embodied in the sign “d-o-g,” means that the essence of “dog” or “dog-ness” is no longer dependent upon those creatures which “run, drink and eat.”

As long as the Meaning (or Essence) ‘dog’ is embodied in a sensible entity, this Meaning (Essence) *lives*; it is the real dog, the living dog which runs, drinks and eats. But when the Meaning (Essence) ‘dog’ passes into the word ‘dog’ – that is, becomes *abstract* Concept, which is *different* from the sensible reality that it reveals by its Meaning – the Meaning (Essence) *dies*: the word ‘dog’ does not run, drink and eat; in it the Meaning (Essence) *ceases* to live – that is, it *dies*. And that is why the *conceptual* understanding of empirical reality is equivalent to murder.²⁶

The force which extracts the essence of the dog from the dog who “runs, drinks and eats,” such that “dog” can enter into spiritualized discourse, then, is negativity as human desire, or the power of thought. /

Kojève next poses a more complex question: “How it is that the ‘being’ of Being enters into discourse?” While a concept as “the essence-meaning of a thing” is “the very thing minus its existence” (ID: 128), the “subtraction” that detaches the being from Being is “nothing other than Time” (ID: 128). The distinctive thing about time, Kojève says, is that it:

makes Being pass from the present, in which it *is*, into the past in which it *is not* (is no more), and in which it is therefore only pure *meaning* (or essence without existence). And since this is no *new* Being that *is* in the present, [but rather] only an “old” or *past* Being, we can say that Being is an essence that has acquired an old existence; or what is the same thing, [we can say] that the being is not a Being solely, but [also] Concept, or what is again the same thing [we can say] that Being has a meaning to the very extent that it *is* (as Time).

(ID: 128, square brackets in the original)

Here, Kojève is working with Hegel’s paradoxical statement that “In what concerns Time, [it must be said that] it is the Concept itself which exists empirically.”²⁷ As Kojève points out, Hegel is not simply stating an incomprehensible dictum here, but rather “weigh[s] his words carefully” as he reiterates this statement, made in the Preface to the *Phenomenology*, and again in its final chapter when he says “time is the concept itself, which *is there* [in empirical existence].”²⁸

For Kojève’s Hegel, in the same way that the concept “dog” points towards the real animal dog, the concept “Being” points towards a real, past presence. In other words, the being of Being was, as a “this or that thing,” and its manifestation or reflection in language is the mark of the absence of that past-presence. Most significantly, for Kojève, the negative act, which transforms the animal dog, that will die, into the meaningful word “dog,” that will outlive its animal support, also transforms the human animal that enacts it.

Man ... can spontaneously transcend himself and can go by himself beyond his ‘innate nature’ even while remaining what he is, that is, a *human* being. But for the animal that serves him as support, that transcendence signifies death. However in the *human* animal that death is no longer exterior: He is himself (as man) the cause of his death (as animal).

(ID: 136)

In opposing himself to nature – to his own nature – in the creation of discourse, man becomes master of what is “most dreadful”: his *death* as a natural, immediate being.²⁹ In the creation of discourse, man becomes master of his singularity; he sublates himself as a creature who, in this spatially and temporally delimited body, will die.³⁰ Thus, the repeatability and compliance of the sign grants Spirit freedom from external nature by creating Spiritual

"Man" out of natural "men." Indeed, it is only by virtue of discourse that "Man" exists at all, for "Man" only exists as Spirit. As Kojève says, "the birth of Discourse (= Man) in the heart of Being (= Nature)" (ID: 116–17). In other words, the human animal lives its own death through the power of discourse. For, on Kojève's reading, while human animals are the vehicles for the discourse that gives rise to their life as Spirit, they are also negated and incorporated by the very power that created it. For instance, as Kojève says, "Desire, directed toward another Desire, taken as Desire, will create, by the negating and assimilating action that satisfies it, an I essentially different from the animal 'I.'"³¹ In opposing itself to another desire, the animal "I" negates and assimilates what comes before it as "other" to it, and, in so doing, re-creates itself as Spirit. Thus, "man is not only *mortal*, he is death incarnate: he is his own death" (ID: 151). In this sense, as Stuart Barnett puts it, "discourse is the ongoing mediated suicide of humanity." Kojève's reading might therefore be described as an "anthropo-*thanatological*" reading of Hegel.³²

Thus, the "miracle of the existence of discourse" is itself "nothing else than the miracle of the existence of Man in the world." In fact, discourse takes on an autonomous existence – it is autonomous from that to which it seems to refer – because the signs that make it up are utterly unrelated to the Nature from which Spirit must return in order to be for-itself.

The medium by which nature becomes a world of culture and technology is discourse; it is the medium by which the immediate, natural world becomes a mediated and historical one.

This power that thought has to separate and recombine things is in effect "absolute" because no real force of connection or repulsion is sufficiently powerful to oppose it. And that power is not at all fictitious or "ideal". For it is in separating and in recombining things in and through his discursive thought that man forms his technical projects, which, once realized through work, really transform the aspect of the natural [and] given World by creating therein a World of culture.

(ID: 126)

Because the sign allows exteriority or "nature" to be transformed into an element utterly manipulatable by man, it is a precondition of Absolute Spirit.

As we shall see when we read the pertinent section of Hegel's *Philosophy of Spirit*, the "thisness" or "here-and-nowness" of the sensible intuition which is made identical to what Kojève calls the desiring subject, is, in fact, a remainder which cannot be recovered for knowledge; it is the singularity of the singular "thing-in-itself," and it is this which most eludes conceptual thought. For Derrida, then, the implications for Hegel's thought are much more radical than they are for Kojève: the origin of conceptual thought, on Derrida's reading of Hegel, is not a real presence, an actual "thing-in-itself," but rather a trace, which is itself unrecoverable by knowledge or any kind of

representation.³³ Language, then, is the practice of *forgetting* that the origin of the sign was never the “thing-in-itself.”

As we shall also see, the way that Kojève understands that discourse works to master death – the way that the sign works to master the singularity of the human animal – is crucial for understanding precisely what it is that is lost in the transition from sensible intuition to conceptual thought.³⁴ For in the sublation of the human animal into “Man,” it is the singularity of each individual that is lost. The body of *this* animal, however, remains missing.

Hyppolite’s Hegel: from the phenomenology to the logic

Kojève’s lectures on *The Phenomenology* – and their subsequent publication in 1947 – were central to the rehabilitation of Hegelian thought in French philosophy. However, the legacy of Jean Hyppolite’s reading for contemporary French philosophy should not be forgotten. Indeed, Leonard Lawlor claims that Hyppolite’s reading of Hegel did nothing less than “effectively end” the anthropological reading of Hegel which Kojève so popularized.³⁵ Whereas Kojève’s discussion largely ignores what Hyppolite called “the adventure of Being” outlined in the *Science of Logic* in order to concentrate on Hegel’s *Phenomenology*, Hyppolite investigates the link *between* the phenomenology and the logic: human experience and the Absolute, which are the proper domains of the sensible and the intelligible.

Indeed, Hyppolite names this link as “Hegel’s most obscure dialectical synthesis” and it constitutes the focus of Hyppolite’s 1952 *Logic and Existence* (LE: 189). In a 1954 review of this book, Gilles Deleuze argues that while the more well-known *Genesis and Structure of Hegel’s Phenomenology of Spirit* “preserved all of Hegel and was its commentary,” the “intention of this new book, is very different.” As he says, “Hyppolite questions the *Logic*, the *Phenomenology* and the *Encyclopedia* on the basis of a precise idea and on a precise point. *Philosophy must be ontology, it cannot be anything else.*”³⁶ Philosophy, in other words, is always an investigation into the question of Being. This shift in emphasis – from experience to Being – constituted no small change in Hegel studies in France; in fact, on Leonard Lawlor’s view, the appearance of this text “fuelled the fire of French anti-humanism, which Heidegger’s ‘Letter on Humanism’ had already ignited” (LE: ix).

More specifically, Hyppolite makes a decisive break with Kojève’s anthropological reading of Hegel by taking seriously the itinerary of the Concept laid out in Hegel’s *Science of Logic*. At the same time, Hyppolite insists that the *Phenomenology* and the *Logic* differ only in regard to the element in which their respective dialectics take place: the *Phenomenology* in the element of experience, the *Logic* in the element of the concept. And as we shall see, for Hyppolite the question of the transition from the *Phenomenology* to the *Logic* is oriented by the same concern that fascinates Kojève: the function of the sign.

If Kojève managed to detranscendentalize Hegel's speculative logic by figuring negativity as desire, he did so by bracketing the *Logic* and thus the question of the concept of Being. In re-introducing the *Logic*, however, Hyppolite should not be understood to have *re*-transcendentalized Hegel. On the contrary, while he maintains the importance of the Absolute, he also maintains that Being is not Essence but *Sense*. The argument Hyppolite develops pivots on the equivocal nature of the word *sense*, a word that, like *aufheben*, as Hyppolite points out, delights Hegel with its plurivocity.

Sense is this wonderful word which is used in two opposite meanings. On the one hand it means the organ of immediate apprehension, but on the other hand we mean by it the sense, the significance, the thought, the universal sense or meaning of the thing.³⁷

Sense, then, is itself a link between experience and the concept, between the *Phenomenology* and the *Logic*. The concept of Being, Hyppolite maintains, is not essence *beyond* appearance, nor a second, true, intelligible world, but rather the sense of *this* world. Indeed, on Hyppolite's view, it is the particular virtue of Hegel's thought to have refused the thought of either the ineffable sensible world (*qua* Plato) or the ineffable intelligible world (*qua* Kant, Jacobi, Fichte) (LE: 8–11). As Hyppolite puts it,

Expression of sense is the work of thought, and this work does not start from an ineffable which would be given first, nor does it lead beyond to an ineffable transcendence; sensible singularity and the mystery of Faith are, for Hegel, illusions; ... [they are] the presentation of the Absolute as pure nothingness or dissolution.

(LE: 11)

Hegel's speculative logic is so revolutionary, Hyppolite maintains, precisely because in extending Kant's speculative logic, Hegel's thought "no longer recognizes the limit of the thing-in-itself" which "would always haunt our reflection and would limit knowledge in favour of faith and non-knowledge" (LE: 58, 3). Indeed, Absolute knowledge "essentially means the *élimination* of this non-knowledge," and, consequently, the elimination of "a transcendence essentially irreducible to our knowledge" (LE: 3).

On Hyppolite's reading, it follows that if the concept of Being is sense and not essence, Absolute knowledge is equally not the knowledge of something wholly Other. On the contrary, he says, as the *Phenomenology* amply demonstrates, Absolute Knowledge is the coincidence of knowledge and the Absolute, and as the revelation of the identity of knowledge and Being, it is the highest form of human experience (LE: 5). The dilemma then, is this: once Being is understood to be the sense of *this* world rather than a transcendent essence, how do we distinguish between empirical and absolute knowledge? In

other words, how does “natural” consciousness, immersed as it is in the “exteriority of experience,” or the “thing-in-itself,” transform itself into Absolute knowledge, such that Mind or Spirit is free from exteriority and Being contemplates only *its own* existence? (LE: 62)

Hyppolite begins his response to this complex question by stating that thinking Being as Essence rather than as sense never safeguarded knowledge against empiricism in the first place. For the distinction between essence and appearance only exists – it only has Being – as a moment internal to consciousness. To misrecognize it as *actual* would be to fall prey to the divisions of the Understanding. As Hyppolite says,

Hegel ... does not want to be held to this duality, which belongs to the understanding. There would be on the one side essence, on the other existence, on the one side Logos, on the other Nature, on the one side absolute knowledge, on the other empirical knowledge.

(LE: 61)

This difference, manifested as it is in the distinction between essence and existence, Logos and nature, Absolute knowledge and empirical knowledge, is thus a determinate moment in the progress of the dialectic of consciousness. This becomes clear once it is recalled that in the progress of consciousness, the Understanding “is a becoming,” not a final state. The Understanding that poses the distinctions listed above is thought on its way to becoming “*reason-ability*.”³⁸ Unlike the common Understanding, reason grasps the identity of the thing-in-itself and the concept, existence and essence, Nature and Logos. From the perspective of Reason, then, the concept is not *indifferent* essence, but *identical* to the thing-in-itself.

The Absolute determines itself and negates itself as Logos and Nature. This opposition is absolute. Each term is simultaneously positive and negative. Each is the Whole that opposes itself to itself. Each is in itself the opposite of itself and represents therefore the other in itself.

(LE: 100)

In short, empirical and Absolute knowledge have the same Being. The apparent difference between conceptual thought and mere existence gives way to Being’s identity with thought. Thus, Absolute knowledge distinguishes itself from empirical knowledge by negating the knowledge of *indifferent* essence.

Dialectical evolution is attraction and instinct; it starts from immediate being and returns to immediate being. It is truth only as engendered truth. On the other hand, it is indeed dualistic, but this dualism is not, as in Spinoza, the parallelism of Logos and Nature which never encounter one another. It is the dualism of mediation. Nature and Logos are

simultaneously opposite and identical. This is why the Logos can think itself and the other, contradict itself in itself.

(LE: 163)

Hyppolite maintains that the major proposition of Hegel's *Logic* is thus that there is no beyond of thought. For "in thinking itself, thought always thinks being, and by thinking being, it thinks itself" (LE: 27). In order to think itself, to reflect on itself, Being makes itself different from itself, for example, as the difference between essence and appearance, and so on. In order to know itself Absolutely, Being alienates itself in exteriority. Indeed, the Absolute exists "only as this doubling" (LE: 101). In doubling itself, twisting itself back on itself, in *contradicting and thus saying itself*, Being is able to know itself Absolutely. In a certain way, then, Absolute knowledge is what *is there*. This is what Hyppolite means when he quotes Hegel, saying, "It is manifest that behind the so-called curtain which is supposed to conceal the inner world, there is nothing to be seen."³⁹ Hyppolite reiterates this point when he says, "the secret is that there is no secret" (LE: 90).

Hyppolite's answer to the question "how does the passage from the Phenomenology to Absolute Knowledge work?" then, is the same as his answer to the question of how it is that Spirit becomes liberated from nature, in "the dialectical genesis of language." For "according to the *Philosophy of Spirit*, the sensible becomes the *Logos*: meaningful language" (LE: 27, 23). Language is the medium between Nature and Logos. It is Being saying itself.

Thus, Hyppolite solves the problem of the relation between the *Phenomenology* and the *Logic* by way of a notion of correspondence. This means that phenomenology and logic presuppose each other. As Hyppolite maintains: "Experience and *Logos* are not opposed. The discourse of experience and the discourse of being, the *a posteriori* and the *a priori*, correspond to one another and mutually require one another" (LE: 36). Most significantly for my purposes, à la Hegel, there is no beyond of thought, there is nothing *beyond language*. Language, Hyppolite says, is "the supreme moment of representation, the passage [from man, through logic] to thought" (LE: 25). The beauty of Hegel's thought, Hyppolite tells us, is that, unlike that of Kant, the thought of the sensible, as the thought of Being, does not "remain interior and thus mute" (LE: 26). Rather, Hyppolite tells us, for Hegel the thought of Being "is there in language" (LE: 26).

The sensible interiorizes itself, turns into essence, being becoming *Logos*; and the interiority which in itself is the nothingness of being, its disappearance, exists, however immediately, in the exteriority of language and in the exteriority of living speech. That of which one speaks, and the one who speaks show themselves to be inseparable. Object and subject finally transcend themselves as such in the authentic language of being in the Hegelian ontology.

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(LE: 26)

Here, Hyppolite makes reference to a text we will examine in more detail shortly: the sub-section of the *Philosophy of Spirit* on Subjective Spirit that addresses "Psychology."⁴⁰ "The dialectic of sensible and sense," he says, "determines the proper status of human language in Hegel's *Philosophy of Spirit*" (LE: 24).

Again, as we saw with Kojève's treatment of Hegel, Hyppolite can be seen to have grasped the implications of Hegel's radical semiological claim – that there is nothing beyond language – at the same time that he covers over its import. For like Kojève, Hyppolite continues to affirm that language does refer to things in themselves.

Hyppolite ends his text with a meditation on the two directions in which Hegel's philosophy extends: "one direction leads to the deification of Humanity; the other, the one that we have followed in this work, leads to the Absolute's self-knowledge across man" (LE: 177). He is clearly making reference to Kojève's anthropological reading in the first instance, and again separating his reading from that offered by Kojève. In his review, Gilles Deleuze muses:

The richness of Hyppolite's book could ... let us wonder this: can we not construct an ontology of difference which would not have to go up to contradiction, because contradiction would be less than difference and not more? ... [I]s it the same thing to say that Being expresses itself and that it contradicts itself?⁴¹

What an ontology of difference which "would not have to go up to contradiction" – dialectical opposition – would look like, will have to wait for one of Hyppolite's most famous students: Derrida.

Derrida's Hegel: from the pit to the pyramid and back again

Derrida's first work on Hegel was prepared for Jean Hyppolite and was presented in his 1968 seminar on Hegel's *Logic* at the College de France. This text was subsequently published in *Hegel et la pensée moderne*.⁴² In this seminar, Derrida took the opportunity to continue investigating the question asked by his teacher concerning the Hegelian question *par excellence*: the problem of the passage from the *Phenomenology* to the *Logic*. Of course, Derrida reframed this question in the terms of his own grammatological project, a project which investigated the metaphysical distinction between the sensible and the intelligible. And like Hyppolite and Kojève before him, Derrida's focus is the way that the sign operates as a transition or "bridge" between the sensible and intelligible realms (M: 71).

Derrida's analysis proceeds from a careful investigation of several long paragraphs in Hegel's *Philosophy of Mind* – the third of the *Encyclopedia of the Philosophical Sciences* – which is the very text which Hyppolite investigated in the chapter entitled "Sense and Sensible" in *Logic and Existence*.⁴³

The first volume of the *Encyclopedia*, the *Logic* (also known as the “Lesser” or “Encyclopaedia Logic” to distinguish it from the *Science of Logic*) is an investigation of the Idea or Notion in and for itself. The second volume, the *Philosophy of Nature*, is the study of the Idea in its “otherness” in nature. The *Philosophy of Mind*, then, is the study of the Idea in its return to itself out of its otherness.

The Philosophy of Mind is itself articulated in three moments: Subjective Spirit, Objective Spirit, and Absolute Spirit. Derrida is at pains to demonstrate that Hegel’s theory of the sign occurs within the first articulation of Spirit, within the articulation of Subjective Spirit, which is spirit’s “relation to itself ... in the form of only internal freedom” (M: 74). As Hegel says, “the finite is *not*, i.e. is not the truth but merely a transition.”⁴⁴ Subjective Spirit, in other words, is Spirit on its way to itself as it will be “in itself and for itself” as Absolute Spirit. Thus, Subjective Spirit is Spirit in transition. Significantly, for Hegel, the sign is also a transition, or bridge; in this sense, the sign’s modality of Being is in the same way as that of Subjective Spirit. Both the sign and subjective spirit *have their Being* in the same way, as a transition, and thus they both transgress themselves from within.

It is significant that Hegel’s theory of the sign occurs during his discussion of Subjective Spirit. However, it is even more interesting, Derrida tells us, that the discussion occurs during the third moment of Subjective Spirit: Psychology. Following on the heels of Phenomenology (which is the “coming to be of science as such”), it must be recalled, Psychology is the science of Spirit determining itself in itself, as a subject for itself (PM: 80). This is the moment at which “all [Spirit] has to do is to realize the notion of its freedom” (PM: 179). The sign grants Spirit its freedom insofar as, through it, thought becomes entirely independent of the objective natural properties of the entity towards which it points. The sign demonstrates intellect’s ability to use the perceived world for its own purposes while effacing its traces. It does this by virtue of its infinite “repeatability”; neither the “thing-in-itself” to which it refers, nor the subject who repeats it, need to be present for it to function. In this way, the sign touches on the relationship between the subject and object. Placing the study of the sign within the study of the subject as Mind, then, rehearses a classical *motif* which fixes the relationship between the intelligible and sensible, the transcendental and the empirical, the ideal and the material, and the primary and the secondary. In short, placing the discussion of the sign in a section headed “Psychology” mobilizes an entire metaphysical tradition that privileges speech over writing (M: 75). In order to fully flesh out Derrida’s reading of Hegel’s semiology, then, I should like in the next section of this chapter to proceed slowly through the relevant section of the *Philosophy of Mind* upon which Derrida relies.

Hegel tells us that the process by which Mind or Spirit transforms a sensible intuition into a sign produces more than the sign, for the transformation of sensible intuition to signification is also the move from sensible intuition, or

mere perception, to conceptual thought. As Hegel reminds us, "intelligence ... is expressly that form of mind in which mind itself alters its object, and by developing it, also develops itself into truth" (PM: 191). As we shall see, whereas at the beginning of Hegel's chapter on psychology intelligence appears as "attention," it emerges at the end as reason.

In the first moment of perception, Hegel tells us, intelligence relates directly to an immediate "single" object in a process of sensible intuition; intelligence apprehends or intuits an object in its singularity. This relation to immediacy is of course negativity. Stated differently, in being apprehended by an intelligent mind, the immediate, sensible intuition is necessarily submitted to the power of negation. Through this negative process of apprehension, the singular sensible immediacy of the thing-in-itself is stripped of its own time and place, and placed as a *mental image of that object* in the reservoir of intelligence itself. Significantly, however, Hegel tells us that the image, which the subject has appropriated, is "no longer existent" because the image is not available to consciousness or to will, but is instead "stored up out of consciousness" in a "night-like mine or pit" (PM: 204).

Equally importantly, as a result of this move, the mind becomes aware of itself as something separate from the object; intelligence develops an intuition of itself as *Mind*. By paying attention first to the object, and next to its own attention to the object, intelligence is transformed into something more than perception. It becomes "intelligent intuition" which is capable of positing the object as something "self-external" (PM: 192). Because intelligence becomes aware of itself, it withdraws from its relationship to the object's "singularity" and learns to relate the object to a universal-mental Representation (*Vorstellung*). This is the process by which the abstractly negated thing-in-itself is speculatively or determinately negated.

This process of determinate negation happens characteristically in three articulations: Recollection (*die Erinnerung*), Imagination (*die Einbildungskraft*), and Memory (*das Gedächtnis*). These are the moments by which the immediacy of the thing-in-itself is transcended. In this second form of negation, abstract negativity is discovered to be itself subject to a further negation, a negation which does not return us to the starting point, but rather reveals the underlying unity of thought itself. "Abstract" negativity is itself *negated* and consequently preserved and lifted up into thought itself. In short, an initial, wholly abstract negativity is, in turn, negated and thus made identical to thought.

While the object has been stripped of its immediacy by being brought into the subject as an image, this image has as yet no subjectivity because it has been deposited in the mind's unconscious. Thus, while Hegel tells us that "[t]he image is mine," at the same time, the image:

has no further homogeneity with me, for it is still not thought, still not raised into the form of Reason ... I do not yet have full command over the

images slumbering in the mine or pit of my inwardness, am not as yet able to recall them at will ... The ... image is [*mine*] only in a *formal* manner. (PM: *zuzatz*, 205)

In order to have full command of this image, Hegel tells us, it must be referred back to its actual intuition.⁴⁵ In order that the image, carelessly and randomly “collected” and now lying inert in the unconscious, can become something under conscious and willed control, it must be *re*-collected, matched up to a corresponding intuition. But, Hegel also tells us, this intuition must subsume “the immediate single intuition under what is in point of form universal, under the representation with the same content” (PM: 205). The image must be referred back to its “external existence,” its origin as a sensible intuition.

The manner in which the images of the past lying hidden in the dark depths of our inner being become our actual possession, is that they present themselves to our intuition in the luminous, plastic shape of an *existent* intuition of similar content, and that with the help of this *present* intuition, we recognize them as intuitions we have already had. If ... I am to retain something in my memory, I must have repeated intuitions of it. (PM: *zuzatz*, 205)

In order that I have full command over any image of which I might only once, and thus fleetingly, have made an impression, I must re-collect it or re-cognize it. It is only in this way that the image becomes not just property, but *possession*.

Recollection (*Errinerung*) thus refers to the process by which the image is made the “property” of Mind. This process of “inwardization” transforms the sensible intuition from an image of the object, fixed in the mind’s “eye,” to a property of mind itself. As Hegel says,

Intelligence, as it at first recollects the intuition, places the content of feeling in its own inwardness – in space and a time of its own. In this way that content is (1) an image or picture liberated from its original immediacy and abstract singleness ... and received into the full universality of the ego.

(PM: 203)

In this way, Hegel goes on to say, “the image, which in the mine of intelligence was only its *property*, now that it has been endued with externality, comes actually into *possession*.” In being re-cognized, re-collected, and inwardized, the image is made “separable from the blank night in which it was originally submerged” (PM: 204). “This ‘synthesis’ of the internal image with the recollected existence is *representation* proper: by this synthesis the internal now has the qualification of being able to be presented before intelligence and to have its existence in it” (PM: 205). The image is thus transferred from the “blank

night" of the unconscious, and referred to its "recollected existence" to become actual and real as a *representation*. So, to recapitulate: a sensible intuition, appropriated by perceptive intelligence, was transformed into an inert image (which slumbered in the dark mine of the unconscious). This image was subsequently recalled by the conscious ego by being matched up to another instantiation of that of which it is an image, and in this way abstracted and synthesized into a concept/idea.

Once Mind has achieved representation, we find ourselves already at the form of intelligence known as Imagination (*die Einbildungskraft*). For as Hegel tells us, the intelligence "active" in the "inward world of the ego" – the intelligence which now has power over the representation – is what he calls "reproductive imagination" [*die reproduktive Einbildungskraft*] (PM: 206). Not surprisingly, the reproductive imagination *reproduces* the idea/representation. However, in being reproduced, this "given" and "immediate" representation is presented to the conscious and universalizing ego, which "gives images ... generality." As Hegel says:

Abstraction, which occurs in the ideational activity by which general ideas are produced (and ideas *qua* ideas virtually have the form of generality) is frequently explained as the incidence of many similar images one upon another and is supposed to be thus made intelligible. If this superimposing is to be no mere accident and without principle, a force of attraction in like images must be assumed, or something of the sort, which at the same time would have the negative power of rubbing off the dissimilar elements against each other. The force is really intelligence itself – the self-identical ego which by its internalizing recollection gives the images *ipso facto* generality, and subsumes the single intuition under the already internalized image.

(PM: 207)

In being presented to consciousness, the synthesized idea/representation both produces and is mediated by the productive – that is, "symbolic, allegoric, or poetical" – imagination (*phantasie*). While the reproductive imagination was only capable of *reproducing* and thus presenting to consciousness an already existent image, the productive imagination is capable of *producing independent representations*. As Hegel says, "In creative imagination, intelligence has been so ... perfected [as] to need no aids for intuition. Its self-sprung ideas have pictorial existence" (PM: 210). Productive imagination, in other words, produces its *own* representations, without the aid of external prodding. Indeed, productive or creative imagination turns out to be the "centre" at which the opposites of the "internal and external" flow into each other, cutting across each other, as Hegel says, "completely into one" (PM: 210).

In this sense, this is the moment when the sensuously concrete image is speculatively *negated*, when its immediacy is dialectically contradicted. For the

synthesis between the "internal idea" and the "vehicle of materialization" – the internal and the external manifestations of the thing-itself – has thus had another important effect: intelligence has become a "concrete subjectivity" (PM: 211).

Productive imagination [*phantasie*] is the centre in which the universal and being, one's own and what is picked up, internal and external, are completely welded into one. The preceding 'syntheses' of intuition, recollection, etc., are unifications of the same factors, but they are syntheses; it is not until creative imagination that intelligence ceases to be the vague mine and the universal, and becomes an individuality, a concrete subjectivity, in which the self-reference is defined both to being and to universality.

(PM: 211)

This synthesis, then, is between the universal (one's own) and Being (what's picked up). There is, in other words, no longer a separation between the image and the subject which produces it. Thus, it should not seem surprising, Hegel tells us, that "intelligence makes itself *be* as a *thing*" (PM: 211). Intelligence, as reproductive imagination "aims at making itself *be* and be a fact" for "its ideal import is itself" (PM: 211). In order to know what this thing is that intelligence makes itself *be*, we must move through one more moment in the movements of Mind.

Hegel announces that there is another new unity at work: the unity of an "independent representation" with an "intuition." For we remember that Mind is now able to produce representations without the aid of the external world, which is to say, without having to encounter an example of what the representation represents. In producing these representations, then, Mind is in fact exteriorizing *itself*. In the fusion of two elements, the intuition (and I shall return shortly to the question of what this is an intuition of) is "an image which receives as its soul and meaning an independent mental representation." This intuition, Hegel tells us, "is the *Sign*" (PM: 213). "The sign is some immediate intuition, representing a totally different import from what naturally belongs to it; it is the pyramid into which a foreign soul has been conveyed, and where it is conserved" (PM: 213). Thus, from the "mine-like pit," in which original sensible intuitions are first stored, emerges a pyramid: a sign.

Derrida points to an ambivalence in Hegel here. On the one hand, Hegel is arguing that the productive imagination *simply exteriorizes* what has been already interiorized, appropriated and synthesized: a representation of an intuition, or a *concept*. On the other hand, however, insofar as the intuition which is united to a representation is the intuition of *Mind itself*, this new synthesis or unity is a "representation of representation (in the general sense of conceptual ideality)" (M: 81). Indeed, Hegel says that in the "fusion of the independent representation with an intuition" the "intuition does not count positively, or as representing itself, but as a representative of something else"

(PM: 212). The sign is a representative, a delegate or a stand-in for Mind or Spirit itself.

On the other hand, here, Derrida says, Hegel is proposing something that "might appear scandalous or unintelligible" (M: 78). For Hegel is proposing that the productive imagination "does nothing less than *produce intuitions*." This implies, as Derrida says, "the spontaneous production of that which is to be seen [the sign] by that which is thus able to see and to receive [Mind]" (M: 78). It is in this way, Derrida tells us, that "the path [from the pit to the pyramid] following the ontotheological route, still remains circular, and ... the pyramid becomes once again the pit that it always will have been." However, Derrida goes on to tell us that this is an "enigma" (M: 77).

In order to fully unravel this enigma, we must return to the Hegelian text. For there is one further moment in the tripartite movement of Representation: Memory (*Gedächtnis*). Hegel tells us that it is important to note that this form of memory is quite different from the Recollection (*Erinnerung*) discussed earlier. While the distinction between these two kinds of memory is lost in English, the French distinction between *mémoire* and *souvenir* comes close. "*Une bonne mémoire*" refers to the ability to recall many things, or a facility with memorization, whereas "*un bon souvenir*" refers to a happy memory, one that makes you feel good. *Gedächtnis* is roughly equivalent to the French *mémoire*. Thus, the progression from perception to conceptual thought, for Hegel, depends crucially on the ability to *memorize*. Indeed, as Hegel says, "To comprehend the position and meaning of memory [*gedächtnis*] and to understand its organic interconnection with thought is one of the hardest points, and hitherto one quite unregarded in the theory of mind" (PM: 222). What distinguishes memory [*gedächtnis*] from recollection [*errinerung*] is that memory requires no images. Memory, as Hegel means it, is the specialized ability to recall words that are emptied of meaning.

The faculty of [learning] by rote a series of words, with no principle governing their succession, or which are separately meaningless, for example a series of proper names, is so supremely marvellous, because it is the very essence of mind to have its wits about it.

(PM: 222)

Indeed, it is in this regard – that the mind is encouraged to develop or unfold in such practices as learning to recite words as a series of proper names – that Hegel declares alphabetical characters to be superior to hieroglyphs or other symbolized forms of inscription. Like learning words as though they were names, emptied of sensory meaning, alphabetical characters "lead the mind from the sensibly concrete image to the more formal vocal word and its abstract elements" (PM: 218). "Given the name lion, we need neither the actual vision of the animal, nor its image even: the name alone, if we understand it, is the unimaged (*sic*) simple representation. We think in *names*." (PM: 220)

These signs are in turn learned as though they were names because the sign-as-name has been utterly divested of its relationship to the thing (the signified) in its own time and space. Memory (*Gedächtnis*) is the process by which we learn names (or words considered as names) by rote. The Idea makes its appearance on the mental stage of human consciousness at the precise moment when our consciousness of the world, which comprises faculties such as perception and imagination, that have become interiorized by way of recollection (*Erinnerung*), is no longer experienced, but remains accessible only to mechanical memory or memorization (*Gedächtnis*).

On Hegel's view, then, memorization – which we generally think of as a trick or tool of the intellect – turns out to be the key to Spirit's freedom. For, what each of the above-described movements is designed to do is to move Mind away from the singularity of the thing-in-itself to establish Mind's freedom from it. The sign establishes Mind's freedom because, unlike the singular intuition, or the recollected or imagined image to which it refers, the sign is in no way dependent upon the "thing-in-itself." The sign does not stand in for or represent the thing, but, as we saw, is a representative of Spirit.

In this sense, Spirit's freedom, and thus conceptual thought, is completely dependent on a mental faculty – Memory – that is thoroughly mechanical. For what memory does, and what makes it crucial to transforming the sensible intuition into thought, is that it *covers over* the realization that the sign refers to the singularity of each thing-in-itself to which signification refers. Paradoxically, mechanical memory covers over this realization by way of a forgetting of a forgetting.

In terms of my argument here, what is first important to notice is that at every new moment in the movements of Mind, we find Spirit or Mind "always-already" at its next moment. Thus, sensible intuition emerges as always-already attention, attention emerges as always-already recollection, which in turn emerges as always-already imagination (and so on). This logical structure of the "always-already" is, in fact, what Derrida calls the trace; it is, as he says elsewhere, "the being-imprinted of the imprint."⁴⁶

Importantly, the only way that the enterprise of thought can get under way – the move from simple sensible intuition through to conceptual thought – is if this logical structure of the "always-already" is presumed. In a sense, then, the enterprise of thought must presuppose its own condition of possibility in the expectation that the process which made thought possible will eventually catch up with it. In order for knowledge to become for-itself or Absolute, it must enclose or include each movement of thought *as knowledge*; that is what it means to be Absolute. However, what I shall now demonstrate is that this "trace" can never appear for knowledge "as such." It is precisely what is unrecoverable.

For the logical structure of the always-already is, in fact, the sublation – the dialectical overcoming – of space and time. In other words, the condition of possibility for conceptual thought, as Hegel was well aware, is the

containment of the volatility of spatial and temporal difference. The “always-already,” then, is the means by which Hegel manages to restrict that uncontainability into a feature of thought itself. It is for this reason that the process of “being-imprinted” – the logical structure of the always-already to which I referred above – is not a thing, but rather an *event*; the trace is only ever a gesture rather than an “as such.” The identity of speculative or Absolute knowledge is thus made possible by a process of temporization and differentiation which cannot be recuperated to that knowledge.

For, as this reading demonstrates, the Hegelian system necessarily relies upon a non-totalizable and interminable difference – the “remains” which are buried in the pit of the unconscious – which can be neither elevated nor interiorized by that system. The Absolute identity of speculative knowledge is shown to be *impossible* because while the system relies on a process of differentiation or negation, it also leaves behind a remainder whose un-sublatability undoes that very Absolutism.

This is the answer to the enigma of the circular route from the pit to the pyramid. For the “pit,” or unconscious, houses images – mental representations of concrete things-in-themselves – which, in being stripped of their sensory here-and-nowness, emerge as signs. But the images that rest in the pit or unconscious function *as though they were* the things or referents themselves. In other words, the reason Hegel can determine the sign and its referent in a relationship of dialectical contradiction, and thus claim that the sign sublates the thing to which it refers, leaving no remainder, is precisely because the referent – what Hegel calls the object in its singularity – only has existence insofar as it is always already an image of and for Spirit. The thing-in-itself – the general field of “nature” which Hegel demonstrates that thought, and thus language, stabilizes – has thus always already been determined as abstract negation. In this sense, the thing-in-itself or referent has also already been determined as a moment on the way to the Absolute.

Paradoxically, then, Absolute knowledge is only possible if the knowledge that renders it *impossible* – that the trace is unrecoverable by it – is *forgotten*. Memory actually works to *cover over* – to forget, if you will – that the sign is not the tomb for an “intact kernel,” but is, rather, as Derrida names it, the “monument of life-in-death, the monument of death-in-life” (M: 83). The task of mechanical memory is to draw the mind away from the fact that the sign does not refer to the thing-in-itself, to forget that there is, in a certain sense, *nothing to forget*.⁴⁷

Of course, what Derrida’s analysis is premised on is that the possibility for that referent is the “without-reserve of absolute expenditure,” an *interminable* negativity which cannot be assimilated, represented, or even *thought*. Against this determination of difference as always-already contradiction, Derrida suggests this: “What Hegel, the relevant interpreter of the entire history of philosophy could never think is a machine that would work without being governed by an order of reappropriation” (M: 42). He goes on to say that Hegel would be

unable to think this machine, because working without meaning, it would "inscribe itself within it an effect of pure loss" (M: 42). In short, Derrida's pointed accusation to Hegel is that the movement of the *Aufhebung*, what he calls the "economic law of absolute reappropriation of the absolute loss," appropriates all of the excessive outside of thought, and puts it to work in the service of meaning.⁴⁸

To recapitulate, then, Derrida's analysis of speculative logic demonstrates that in order for its result to be Absolute knowledge, the "difference" or negativity which is the resource for thought must have already been determined; it is always already on the route to the Absolute. What Derrida suggests is that the condition of possibility for this *restricted* notion of difference is the possibility of what Hegel rightly calls "difference in general." *Contra* Hegel, Derrida points out that this general difference is not already contradiction, but is rather a kind of alterity which cannot be assimilated or thought, and thus cannot be represented. Because this generalized difference, "has no reserved underside," it can no longer be put to work; it "can no longer labour and let itself be interrogated."⁴⁹

Thus, the question that emerges from this analysis is the following: how is it that the exhibition or inscription of the unrecuperable remainder at work in Hegel's semiology can provide a resource for re-negotiating the political exclusions that result from this claim? In simpler terms, how does the general difference, which Hegel seeks to restrict, make an appearance? In order to begin answering this question, I turn next towards the procedure of translation, which, as I argue, only works in and through a generalized economy of difference, or *différance*. For the opposition between the sensible and the intelligible world – which Hegel believes his thought to have resolved – continues to leave its mark on the sign itself. Notwithstanding its purportedly fully spiritualized existence, the sign is divided between a sensible (sensuous or thing-like) and an intelligible (conceptual and meaningful) part. In other words, while the sign *is* the givenness of nature in its de-natured and spiritualized form, and in this sense demonstrates Spirit's ability to draw itself entirely away from the world of things-in-themselves, the division of the world into its sensible and intelligible dimensions is recast *within the sign itself* as the division between signifier and signified. Translation is the process of human language that only works by virtue of this difference, but it is¹ a difference which is not absolute, but rather radically impure.

Notes

1 For more on this history, see Judith Butler's *Subjects of Desire: Hegelian Reflections in Twentieth Century France* (New York: Columbia University Press, 1999), and Vincent Descombes, *Modern French Philosophy*, translated by L. Scott-Fox and J.M. Harding (Cambridge: Cambridge University Press, 1980).

2 Descombes, *Modern French Philosophy*, p. 3.

3 Alexandre Kojève, *Introduction to the Reading of Hegel: Lectures on the Phenomenology of Spirit*, ed. Allan Bloom, translated by James Nichols Jr. (New York:

- Basic Books, 1969). Jean Hyppolite, *Logic and Existence*, translated by Leonard Lawlor and Amit Sen (Albany, New York: SUNY, 1997).
- 4 Derrida, "The Pit and the Pyramid: An Introduction to Hegel's Semiology" in *Margins of Philosophy*.
 - 5 *Ibid.*, p. 75.
 - 6 This notion of contradiction or *Widerspruch* (dialectical contradiction) rather than *unterschied* (diversity) is crucial. *Widerspruch*, understood as dialectical opposition or contradiction, is distinguished from mere difference by Hegel in the *Science of Logic*, particularly in "The Essentialities or Determinations of Reflection." See my discussion of this crucial section of the *Logic* below in Chapter 5. For an excellent discussion of the relationship between Hegel's notions of *Widerspruch* and *unterschied*, and how they relate to Derridean *différance*, see John Protevi, "Derrida and Hegel: Différance and Unterschied," in *International Studies in Philosophy* XXV/3, 1993, pp. 59–71.
 - 7 Hegel's *Philosophy of Mind: Being Part Three of the 'Encyclopedia of the Philosophical Sciences'*, translated by William Wallace Together with *Zusatze* in Boumann's Text (1845), translated by A.V. Miller, with a foreword by J.N. Findlay (Oxford: Clarendon Press, 1971), p. 204.
 - 8 Derrida, "The Pit and the Pyramid," p. 71.
 - 9 Derrida, *Of Grammatology*, p. 7.
 - 10 *Ibid.*, p. 26. Of this statement, Derrida says, "One would be mistaken [upon reading it] in coming to the conclusion of a death of the book and the birth of writing ... [W]riting does not begin. It is even on the basis of writing, if one can put it this way, that one can put into question the search for an *arche*, an absolute beginning, an origin. Writing can no more begin, therefore, than the book can end." *Positions*, pp. 13–14.
 - 11 Derrida says, "However the topic is considered, *the problem of language* has never been one problem among others. But never as much as at the present has it invaded, as such, the global horizon of the most diverse researches and the most heterogeneous discourses ... [T]his crisis is also a symptom. It indicates, as if in spite of itself, that a historico-metaphysical epoch must finally determine as language the totality of its problematic horizon." *Ibid.*, p. 6.
 - 12 However, it is important to note that Derrida has been roundly critical of the "anthropological" dimension of Kojève's reading of Hegel. He says that "the anthropologistic reading of Hegel ... was a mistake in one entire respect, perhaps the most serious mistake. And it is this reading which furnished the best conceptual resources to postwar French thought. First of all, the *Phenomenology of Spirit* which had only been read for a short time in France, does not have to do with something one might call man. As the science of the experience of consciousness, the science of the structures of the phenomenality of the spirit itself relating to itself, it is rigorously distinguished from anthropology." Derrida, "The Ends of Man" in *Margins of Philosophy*, p. 117.
 - 13 For a treatment of Hegel in the development of Analytic Philosophy, see Peter Hylton's "Hegel and Analytic Philosophy," in *The Cambridge Companion to Hegel* (Cambridge: Cambridge University Press: 1993), pp. 445–86.
 - 14 Charles Taylor, *Hegel and Modern Society* (Cambridge: Cambridge University Press, 1979), p. 135.
 - 15 *Ibid.*
 - 16 William Desmond, ed., *Hegel and his Critics: Philosophy in the Aftermath of Hegel* (Albany, New York: SUNY Press, 1989), p. xi.
 - 17 Michel Foucault, quoted in Stuart Barnett, *Hegel after Derrida* (London: Routledge, 1998), pp. 2–3.

- 18 Ibid. Michael Kelly takes issue with this familiar rendition of the story of Hegel studies in France. See *Modern French Marxism* (Baltimore, Maryland: Johns Hopkins University Press, 1982), especially pp. 15–19.
- 19 Quoted in *Hegel after Derrida*, p. 13.
- 20 Mark Poster, *Existential Marxism in Postwar France* (Princeton, New Jersey: Princeton University Press, 1975), pp. 36–49.
- 21 In a thoroughly Hegelian fashion, these lectures were collected and subsequently published by Kojève's students in 1947 as *Introduction à la lecture de Hegel* (Paris: Gallimard, 1947). An abridged version of this text was translated into English in 1969 and published as: Alexandre Kojève, *Introduction to the Reading of Hegel*, translated by James H. Nichols, Allan Bloom, ed. (Ithaca, New York: Cornell University Press, 1980). While those of us in the English-speaking world are most familiar with this compilation, in fact, Bloom severely truncated the original text. He entirely omitted the complete text of the last two lectures of the 1933–34 academic year. These lectures were subsequently translated into English by Joseph Carpino and published under the title "The Idea of Death in the Philosophy of Hegel" in *Interpretation*, 3, 1973, pp. 114–56, esp. p. 123. This is the section of Kojève's text which Bataille responds to in his "Hegel, la mort, et le sacrifice" *Deucalion* 5 (Neuchâtel, 1955) and to which Derrida responds in "From a Restricted to a General Economy: A Hegelianism without Reserve" in *Writing and Difference* (Chicago, Illinois: University of Chicago Press, 1978). Carpino's translation is also the section of Kojève's text which is most important for my purposes, and it is hereafter designated in parentheses by (ID).
- 22 Barnett, *Hegel after Derrida*, p. 17.
- 23 George Lukacs, *History and Class Consciousness: Studies in Marxist Dialectics*, translated by Rodney Livingstone (Cambridge: MIT Press, 1988).
- 24 Theodor Adorno, *Negative Dialectics* (New York: Continuum Publishing Co., 1973), p. 3.
- 25 Hegel, *Phenomenology of Spirit*, p. 19.
- 26 Kojève, *Introduction to the Reading of Hegel*, p. 140.
- 27 Hegel, *Phenomenology of Spirit*, p. 487.
- 28 Kojève, *Introduction to the Reading of Hegel*, p. 101.
- 29 Hegel, *Phenomenology of Spirit*, p. 366.
- 30 This is precisely the point which Bataille takes up in his piece "Hegel, la mort, et le sacrifice" which Derrida responds to in "From a Restricted to a General Economy." For an intelligent response to the "exchange" between Bataille's Kojévian Hegel and that of Derrida, one which suggests that Derrida has fundamentally misunderstood Hegel, see Joseph Flay's "Hegel, Derrida and Bataille's Laughter" as well as Judith Butler's commentary to Flay's piece. Both are to be found in *Hegel and His Critics: Philosophy in the Aftermath of Hegel*, William Desmond, ed. (Albany, New York: SUNY Press, 1989).
- 31 Kojève, *Introduction to the Reading of Hegel*, p. 5.
- 32 Barnett, *Hegel after Derrida*, p. 19.
- 33 In fact, it is interesting to note that Hegel says, "In a Spirit that is more advanced than another, the lower concrete existence has been reduced to an inconspicuous moment; what used to be the important thing is now but a trace; its pattern is shrouded to become mere shadowy outline." Hegel's *Phenomenology of Spirit*, p. 16 (emphasis mine).
- 34 The sublation of human individuals in death is also crucial for my discussion of the law–justice relationship below in Chapter 5: "Justice and the Impossibility of Mourning: Antigone's Singular Act."
- 35 Leonard Lawlor, "Translator's Preface" to Jean Hyppolite, *Logic and Existence*, translated by Leonard Lawlor and Amit Sen (Albany, New York: SUNY, 1997), p. viii. Hereafter designated in parentheses as (LE).

- 36 Gilles Deleuze, "Review of Jean Hyppolite's *Logic and Existence*," originally published in *Revue Philosophique de la France l'étranger* 144, 1954, pp. 457–60. Reprinted in *Logic and Existence*, p. 191 (emphasis in the original).
- 37 Hegel's *Aesthetics: Lectures on Fine Art*, translated by T.M. Knox (New York: Oxford University Press, 1977), pp. 128–29. Cited in *Logic and Existence*, p. 24.
- 38 Hegel, *Phenomenology of Spirit*, p. 34. Quoted in LE: 100.
- 39 Ibid., p. 103. Quoted in Hyppolite, *Logic and Existence*, p. 60.
- 40 See my discussion of Hegel's *Philosophy of Spirit* as well as Derrida's reading of it, below.
- 41 Deleuze, "Review of Jean Hyppolite," in *Logic and Existence*, p. 195.
- 42 Hegel *et la pensée moderne* (Paris, 1971). This text was subsequently revised and republished, and appears under the title "The Pit and the Pyramid: Introduction to Hegel's Semiology," in *Margins of Philosophy*, hereafter marked in parenthetical comments (M).
- 43 In the opening epigraph to "The Pit and the Pyramid" Derrida says, "Certain of these texts already having been examined by Jean Hyppolite in *Logique et Existence*, most notably in the chapter 'Sens et sensible,' we will be making an implicit and permanent reference to the latter," *Margins of Philosophy*, p. 71.
- 44 Hegel's *Philosophy of Mind: Being Part Three of the 'Encyclopedia of the Philosophical Sciences'*, p. 23, cited in Derrida, *Ibid.*, p. 74. Hereafter, references to Hegel's *Philosophy of Mind* will be designated with the parenthetical comments (PM).
- 45 This immediate singularity, for Hyppolite, is an ineffable intuition, what he calls "what we will never see twice," and it is therefore "the worst of all banalities." Jean Hyppolite, *Logic and Existence*, p. 15.
- 46 Derrida, *Of Grammatology*, p. 63.
- 47 The theme of desiring to forget that there is nothing to forget is central to my argument in the next chapter. To this desire Derrida says he "would oppose" necessity, or "*ananke*." "The *ananke* is that there is no intact kernel and there never has been one. That's what one wants to forget, and to forget that one has forgotten it. It's not that something has been forgotten; rather, one wants to forget that there is nothing to forget, that there has been nothing to forget." *Ear of the Other. Otobiography, Transference, Translation*, ed. Christie McDonald (New York: Schocken Books, 1988), p. 116.
- 48 Derrida, *Glas*, p. 133a. Stephen Houlgate argues that Hegel's notion of mechanical memory is precisely such a machine which does not calculate to profit from its investment. However, what Houlgate misses in his otherwise most insightful article, is that mechanical memory is *precisely* the "machine" whose task it is to guarantee that *nothing is lost* in the production of meaning. Stephen Houlgate, "Hegel, Derrida and Restricted Economy: The Case of Mechanical Memory" in *The Journal of the History of Philosophy* 34:1, January 1996, pp. 79–93.
- 49 Derrida, "From a Restricted to a General Economy," p. 260.

Translating deconstruction: signing the trace

The task of the translator consists in finding that intended effect upon the language into which he is translating which produces in it the echo of the original. This is a feature of translation which basically differentiates it from the poet's work because the effort of the latter is never directed at the language as such, at its totality, but solely and immediately at specific linguistic contextual aspects. Unlike a work of literature, translation does not find itself in the center of the language forest but on the outside facing the wooded ridge; it calls into it without entering, aiming at that single spot where the echo is able to give, in its own language, the reverberation of the work in the alien one.

Walter Benjamin, "The Task of the Translator," 1969, p. 73

We find in [Walter] Benjamin's text ... the thought that ... [t]here is something 'untouchable,' something of the original text which no translation can attain. This desire for the intact kernel is desire itself, which is to say that it is irreducible ... [T]he desire or the phantasm of the intact kernel is irreducible – despite the fact that *there is no intact kernel* ... This phantasm, this desire for an intact kernel, sets in motion every kind of desire, every kind of tongue, appeal, address.

Jacques Derrida, *The Ear of the Other*, 1988, p. 42

In the last chapter I suggested that Hegel's philosophical system manages to achieve the appearance of reaching Absolute knowledge or representation precisely because it works in and through what Derrida calls a "restricted economy" of general difference. Because Hegel names as the "referent" or the thing-in-itself an image which has already been submitted to thought, every "difference" which Hegel believes his philosophy to represent absolutely, without exclusion or error, turns out to have been already determined as a moment on the way to the Absolute.

On Derrida's reading, Hegel's theory of the sign is thus shown to involve an impossible doubled move: it relies upon a "singular" thing to which it seems to refer, and then covers over that reliance in a process of doubled forgetting. This forgetting, Derrida suggests, is endemic to language: language is the practice of learning each word as though it were a proper name. It is the practice of *forgetting* that the origin of the sign was the "thing-in-itself,"

forgetting that thought and language – its representation – is never entirely closed.

In this chapter, I shall argue that translation, which Derrida has called “the structure of the remnant,” takes place by virtue of the exclusions of signification covered over by Hegel’s pretensions to “absolute representation.” In fact, I shall argue that the condition of possibility for translation is the very *generalized economy of difference* that Hegel sought so valiantly to restrict. Stated differently, that translation is *possible*, in fact, uncovers the process of *différance* which is the condition of possibility for meaning at all. And it is precisely because translation only works in and through a generalized economy of difference, or *différance*, that it has been an insistent theme of and for deconstruction. At the same time, deconstruction is itself a “translation” of French philosophy in North America.

Indeed, it has become something of a cliché to point to the fact that, because of some similarities which it shares with New Criticism, deconstruction has “taken hold” in North American departments of literature.¹ As Rebecca Comay suggests, “deconstruction” has been grafted, across the Atlantic Ocean, from a set of “properly” European philosophical inquiries, onto the terrain of American literature departments such that, “‘deconstruction’ [is] in many ways starting to look more American than French.”² And as Derrida himself says, “Deconstruction is often perceived in Europe as an American brand of theorems, a discourse or a school.”³ In short, “deconstruction” has become known as a thoroughly American invention.

That deconstruction is an American invention, however, does not simply make reference to the fact that deconstruction is an American “thing,” but also to the fact that only in America is deconstruction understood as a “thing” at all. It is only in America, in other words, that something like “deconstruction” *is*, hence the title of the volume *Deconstruction is/in America*.⁴ In this sense, deconstruction has taken on a life – a present here-nowness – such that in the Anglo-American academy we can pronounce on its health, its illness, its passage, and its often-reported demise.

While remaining committed to the principle of dissemination – of the radical impropriety of thought – Derrida is nonetheless given pause when confronted by this reading of his work. “All sentences of the type ‘deconstruction is X’ or ‘deconstruction is not X,’” he says:

a priori miss the point, which is to say that they are at least false ... [O]ne of the principal things at stake in what is called in my texts ‘deconstruction’ is precisely the delimiting of ontology and above all of the third person present indicative: S is P.⁵

When pressed for a definition of deconstruction he says, “perhaps [it] would consist in precisely ... deconstructing ... the authority of the *is*.”⁶ Derrida is clear in his insistence that deconstruction is not a “thing” at all; rather,

"deconstruction takes place, it is an event that does not await the deliberation, consciousness or organization of a subject."⁷

While this debate is of some interest, its content is not the focus of this chapter. For this debate raises certain assumptions about the nature of translation that Derrida's thought directly interrogates. For instance, this debate pivots on the question of how much a translation can deviate from the original text, on how much transformation can be tolerated in any translation. In this sense, the debate touches on the question of the "properness" or propriety of a discourse. Or, in what is perhaps a more recognizable formulation, this debate about how meaning is transformed in its importation to another idiom or location implicates the dilemma of translating the proper name. Indeed, when Derrida tells us about what he understands by the proper, he almost always does so by an appeal to the *motif* of translation. As he says, "Any signified whose signifier cannot vary nor let itself be translated into another signifier points to a proper-name effect."⁸ And again, commenting on Walter Benjamin's classic text, "The Task of the Translator," Derrida says, "if we could read Benjamin's text together, we could see this ... wretchedness of the proper name, crying after its translation even as it makes its impossible claim: 'translate me, but, whatever you do, don't translate me.'"⁹ Indeed, as I will argue, the question of the proper name is undermined by translation. Deconstruction, in short, is itself an extended meditation on the conditions of possibility and impossibility of translation.

Thus, this chapter uses the problem of the "translation" of deconstruction in America as a heuristic, or as the *occasion* for an investigation into the larger questions posed by translations' conditions of possibility. For what is at stake in the question of translation generally is much more than the deformations of a body of work known as "deconstruction" in its importation to America. Indeed, I will argue that what is at stake is nothing less than how we think of the relationship between philosophy and politics. For, what I want to argue is that what translation directly undermines is philosophy's aim to give rise to a guaranteed knowledge by fully comprehending exteriority. At the same time, translation equally gives the lie to the dream that a guarantee can be found in what is radically *exterior* to thought. In short, what a deconstructive approach to translation indicates is what Derrida calls the "risk of absolute surprise," which is nothing less than the risk of a political philosophy with no guarantee.¹⁰

In order to bear out my argument, this chapter begins by examining two of Walter Benjamin's texts on language, for there is, to my knowledge, no more important text than his for examining the challenges which translation presents to philosophy. In fact, because Benjamin is so preoccupied with the problem of linguistic representation in general (in "On Language as Such and on the Language of Man" as well as "The Task of the Translator") and of juridico-political representation in particular ("Critique of Violence"), we should not be surprised to discover that Derrida follows Benjamin's itinerary

with intense interest (in *Ear of the Other*, “Des Tours de Babel,” and “Force of Law”).¹¹ More precisely, Derrida has a strong affinity for Benjamin’s claim that linguistic and juridico-political representations are founded violently and illegitimately, and thus exist suspended over a figure to which both Derrida and Benjamin regularly refer: an abyss. Interestingly, however, while Derrida takes his cue from Walter Benjamin (among others) concerning precisely what it is about a philosophical claim such as Hegel’s that is intolerable (and Derrida’s thought is organized as a direct rebuttal to that of Hegel – indeed, he says that this critique serves within his own work as “the most uncircumventable theme”) Hegel and Benjamin do find themselves in one quite curious form of agreement: they both argue that the practice of language should be the practice of learning each word as though it were a proper name.

Notwithstanding Derrida’s admiration and respect for Benjamin’s text, his writings on Benjamin have included an increasingly candid critique, such that by 1992, Derrida suggests that “this strange text is dated.” Of course, while he goes on to say that “every text is dated,” he suggests that this is “perhaps all the more so if it slips in among several names of God and only signs by pretending to let God himself sign” (FL: 57). In fact, despite the profound admiration Derrida displays with respect to Benjamin’s thought, its traffic in the name of God is decisive for distinguishing between their projects. In order to begin to investigate the important points of convergence between Derrida and Benjamin, before turning towards their points of divergence, however, I want to begin by briefly examining Benjamin’s 1916 text, “On Language as Such and on the Language of Man,” a text which announces in its title the hypothesis that an original divine language has “fallen” into the ordinary and multiple languages of man.

Walter Benjamin and the language of names

Benjamin approaches the question of language’s origins, essence, and purpose through an exegesis of the first chapters of *Genesis*. He suggests that we can best learn how to speak of language’s origin through investigating what *Genesis* has to tell us about the divine word and its reflex in the human name. By the same token, we can learn to understand the “fall” of this originary language through studying the story of the expulsion from paradise and its related narrative: the story of the failed project of the tower of Babel. On this basis, he concludes that at the beginning of every genuine metaphysics of language it has to be *postulated* that language is “perceptible only in its manifestation, inexplicable and mystical,” that it is a reality, that is, that cannot be described in and for itself, but only through the itinerary of its unfolding (LM: 322).¹²

Benjamin distinguishes this premise from two “false” perspectives: what he calls a “bourgeois” philosophy of language which postulates that language is a conventional means for transmitting information, on the one hand, and a “mystical” philosophy of language which holds that the word encapsulates the

"essence" of the thing to which it refers, on the other (LM: 318). Against both of these interpretations, Benjamin develops a philosophical approach to language in which the "bourgeois" conventional approach to language itself signals the "fall" from the originary divine essential language, which was God's prerogative alone.

Benjamin's text begins by considering two accounts of Creation rendered in *Genesis*. Whereas in the first (*Genesis* 1), the attention is on the creation *ex nihilo* of all things through the Divine Word, the second account (*Genesis* 2: 19–20), focuses on the "fall" from paradise, and the subsequent origin of human history. Investigating the two stories together shows us that there is a "deep and clear relation of the creative act to language" (as in the Divine command, "Let there be"). However, when the creative product is not nature or beasts, but language itself, the question emerges as to the relation between the divine Word which creates, and human language, which is created (LM: 322). What Benjamin tells us is that human language is "both creative and the finished creation, it is word and name" (LM: 323). Indeed, the human process of naming – exemplified by Adam naming the creatures of the earth – is how the divine process of creation *completes* itself (LM: 323). This is why language – word and name – elevates man over the rest of (mute) nature (LM: 322).

Thus, the distinction that Benjamin is working with is that between the divine and creative Word, on the one hand, and the human name, on the other. For as the biblical story suggests, the human vocation of naming is not utterly alienated from the divine creative one; as *name*, it operates almost like *word*, insofar as it *inaugurates* "things" into language in a way that is a reflex and a reflection of God's own creative power. Indeed, Benjamin suggests that the human link with divinity is most evident in the proper name. As he says:

The deepest images of this divine word and the point where human language participates most intimately in the divine infinity of the pure word, the point at which it cannot become finite word and knowledge, are the human name. The theory of proper names is the theory of the frontier between finite and infinite language.

(LM: 323–24)

As Benjamin tells it, in giving things names, human language comes into its own as a *language of names*.

Perhaps even more importantly, in the same way that "the linguistic nature of things is their language," "the linguistic being of man is his language" (LM: 317). Man "communicates his own mental being by naming things." What it means to say that the language of man is the language of names, then, is that man "communicates *himself* by naming [the mountain, the lamp, the fox]." In this sense, to assume that the language of names communicates anything other than itself is to "rob linguistic theory of its deepest insights" (LM: 317), which

is to say that language has no human addressee, for through it, man addresses himself directly to God.

Naming, in the realm of language, has as its sole purpose and its incomparably high meaning that it is the innermost nature of language itself. Naming is that by which nothing beyond itself is communicated and *in* which language itself communicates itself absolutely.

(LM: 318)

To be sure, human language is characterized by an infinity that, in comparison with the absolute and creative force of the divine word, always remains limited. For while in naming and thus creating things, God rendered them knowable ("God made things knowable in their names"), all that man is capable of is naming things "according to knowledge." In other words, at the point where the proper name participates most intensely in the divinity of the divine word as its most profound image, it does not allow any knowledge (LM: 324).

The discrepancy between the divine and human word thus begins with human language – the "language of names" in which every unique thing has its own, unique name – which is itself the completion of the Creative undertaking. In order to explain how the language of names itself became contaminated, Benjamin turns towards another turning point in the genesis of all things: the story of original sin. For the event that tore apart the language of names, and thus forced the "fall" of the human word, was the acquisition of the knowledge of good and evil promised by the snake (who had no name). Indeed, this "fall" marks the moment at which the word and name degenerated into mediate signs and language became "mere means" (LM: 327–28). Here, in the original catastrophe of language, we discover the roots of the "bourgeois" theory which Benjamin explicitly condemns – the theory, that is, that holds that language "communicates" a semantic content that would be distinguishable from the "communicability" of language as such.

Benjamin tells us that because the knowledge attributed to the tree of life was *external*, the knowledge promised by the snake was the only evil in paradise (LM: 327). The knowledge of the tree of life, unlike the completion of creation that characterized the giving of names, had to "communicate *something* (other than itself)." Thus, the *evil*, the sin of original sin, was not the usurpation of a divine prerogative, but rather, because the knowledge of good and evil was *unnameable*, the evil was "the uncreated imitation of the creative word" (LM: 327). Because the knowledge of good and evil was not a knowledge that inhered in the pure immanent magic of immediacy, it was a *mimesis* of the divine word (LM: 327).

Thus, the knowledge of good and evil – judgment – necessarily emerged from *beyond* Paradise. In this sense, judgment (which Benjamin, siding with Kierkegaard, understands as "prattle") was the breach that ushered man out of

the Garden through submitting man to its own power. Because they are unnameable, good and evil "stand outside the language of names," a language that is left behind "precisely in the abyss opened by the question" (LM: 328). The "immense irony" that marks the "mythical origin of law," Benjamin tells us, is that "the tree of knowledge did not stand in the garden of God to dispense information on good and evil, but as an emblem of judgement over the questioner" (LM: 328).

As Derrida comments, Benjamin here "wants to conceive of a finality, a justice of ends that is no longer tied to the possibility of *droit*, in any case to what is always conceived of as universalizable" (FL: 51). And indeed, after the expulsion from the Garden, Benjamin tells us, we can discern the emergence of universalizing attendant upon the decision: good or evil. (This decision that differentiates, at the formal level of structure, is precisely what Hegel refers to as abstract negation.) And in distinguishing between this and that, language emerges as that which names things generally; what is lost is thus the pure magic singular language of names. This is why, after this moment, no name could continue to live without being "damaged," for the generalizing, universalizing tendency of general language cannot help but do damage to the singularity of the singular. In the "fall," the language of names was lost in the necessary repetition of what Benjamin identifies as a "divine force." In their iteration not as unique names but as words that communicate something beyond their own communicability, as *mediate*, names must repeat themselves as though they were original, altering themselves so as to conserve themselves.¹³

Benjamin tells us that we can draw three general conclusions from the story of the "fall." First, in becoming a *means*, languages necessarily became plural, a plurality which was the result of the "babbling" attendant upon iteration; this was a plurality which followed from the "prattle" of choosing, and the constant, necessary alteration of each name such that it was recognized as a sign. Stated differently, in being repeated, the absolute singularity of each name was lost. In its attempt to become part of a system of signification, in its attempt to become a *sign*, the singularity of each name slipped through the meshes of thought.

The second conclusion Benjamin draws from the story of the "fall" is intimately related to the first. For the emergence of judgment that was attendant upon the knowledge gained from the tree of life is related to what Derrida calls "the diacritical sense of the word critique, *krinein*." Judgment, then, is "an attitude that permits us to choose (*krinein*), and so to decide" (FL: 54). So, the third conclusion to be drawn from the story of the "fall" – the beginning of what Benjamin calls "abstraction" – cannot be separated from the first two. As Benjamin says:

For the essential composition of language, the Fall has a threefold significance (without mentioning its other meanings). In stepping outside

the purer language of name, man makes language a means (that is, a knowledge inappropriate to him), and therefore, also, in one part at any rate, a mere sign; and this later results in the plurality of languages. The second meaning is that from the Fall, in exchange for the immediacy of name damaged by it, a new immediacy arises, the magic of judgement, which no longer rests blissfully on itself. The third meaning that can be perhaps tentatively ventured, is that the origin of abstraction too, as a faculty of language-mind is to be sought in the Fall.

(LM: 328)

Clearly, these conclusions draw together a set of Benjaminian *motifs* not all of which I can attend to here. However, it is important to note that the “abyss” which opened through the question of good and evil, the very breach which injured the purity of the language of names and instituted the universalizing generality of communicating language, led to what Benjamin suggests is almost an inevitable conclusion: the plan for the tower of Babel (LM: 329).

The story of the tower of Babel narrated in *Genesis* (11: 1–9) relates how the tribe of the Shem – literally, the “names” – planned to *universalize their own idiom*: the logical conclusion of the universalizing tendencies of idiomaticity at work in generalizing language.¹⁴ Their attempt to “make a name for themselves” took the form of building a tower to reach to the heavens. In fact, by universalizing their idiom, they planned to impose their language on all peoples of the earth. Infuriated by this effrontery, God himself finally stopped this undertaking. He interrupted the plan by opposing His own proper name to the language of the Shem. By so doing, God destined the Shem to an interminable translation. For by announcing His name, by pronouncing “Babel,” which, in the language of the Shem, itself meant “confusion,” or “the improper,” God introduced “the mark of confusion” into their idiom (TB: 170). By demanding that the Shem translate an *untranslatable* proper name, the name of God, He demanded that the Shem give a semantic content to the most proper of proper names. And because the semantic content given to the most proper of proper names was “confusion,” because “the proper name of God (given by God) was divided ... in the tongue ... to signify confusedly ‘confusion,’ ‘the war that He declared has raged within his name: divided, bifid, ambivalent, polysemic: God deconstructing’” (TB: 170).

Derrida thus argues that the fable of Babel would be “an epigraph for all discussions of translation” (EO: 100). For, as the story goes, God is both a proper name, and an index – the name – for the untranslatability of every proper name. What “Babel” stands for (a name which Derrida reminds us is the proper name of a narrative, a city, and a tower, all of which “receive their name” while “YHWH ‘proclaims his name’” (TB: 171)) is nothing less than the paradoxical logic of iterability. In other words, “Babel” stands for the incessant movement of repetition and alteration that marks all linguistic utterance. “Babel” stands for the “generalized singularity” of all language.

With the confusion of tongues, God commanded the Shem (the names) to master an unmasterable dissemination.

It is precisely the unmasterability of this dissemination, which Benjamin refers to when he tells us that after the second catastrophe of language at the tower of Babel, things are "over-named." For, while the proper names of the "language of names" were adequate to the precise and magic quality of each of God's creations (these names were, like that of God himself, untranslatable), in the general language of "communication," the linguistic being of those things – which as we remember is their language – is choked. Indeed, in being choked and made mute, the things themselves raise a lament. This is why Benjamin suggests that "overnaming is the linguistic being of melancholy" (LM: 330), for to be named from "the hundred languages of man, in which name has already withered," is cause for great melancholy.¹⁵ As he says:

That which mourns, feels itself thoroughly known by the unknowable. To be named – even when the namer is Godlike and blissful – perhaps always remains an intimation of mourning. But how much more melancholy to be named, not from the one blessed, paradisiac language of names, but from the hundred languages of man in which names has already withered, yet which, according to God's pronouncement, have knowledge of things.

(LM: 330)

On Benjamin's view, in its utter *exteriority* to a generalizing language, the singularity of the singular occupies the place assigned to meaninglessness; it lacks the negativity of the most minute moment. Because it slips through the meshes of generalized language, it has no enabling status with respect to thought. The mourning in the ruins of the language of names, then, is a mourning for that which can no longer be communicated, not in language, but *through* it. This is why Benjamin says that "language is in every case, not only communication of the communicable, but also, at the same time, a symbol of the noncommunicable" (LM: 331), for the generalizing language after the "fall" is a language which itself signifies the uncommunicability of what is excessive to it: the singularity of the singular, the language of names.

Thus, for Benjamin, God's divine and creative Word, which inaugurated all things, also brought human language into existence, a language which, while it did not render things "knowable," in naming the things of this earth, nonetheless participated in the divine creative process. Human language becomes abyssal only after the "fall" from grace; the abyss is opened when the paradisiac language of names is breached by the *unnameable* knowledge of good and evil because the singularity of each name is swept away into meaninglessness by the imposition of the mediating, communicable sign. In this sense, language is mystically breached or opened. As I shall argue shortly, the difference between Derrida and Benjamin concerns how each of them names the nature of this opening.

For Benjamin, while human language after the “fall” does not point to God – as did the language of names – it is equally not utterly without some “echo” of that divine, original power. And the function of human language that most aptly captures that “echo” is the process of translation, for, as he concludes this essay, “all higher language is a translation of those lower, until in ultimate clarity, the word of God unfolds, which is the unity of this movement made up of language” (LM: 332). Thus, the lower strata of existence must be “translated,” raised up, to the higher. In fact, in giving things names, man translates the muteness of things into “linguistic being,” which is finally offered up to God Himself. It is God, then, who guarantees the legitimacy and “objectivity” of any translation because He has created both the silent world of things and the naming, translating man. Thus, as Benjamin says, “it is necessary to found the concept of translation at the deepest level of linguistic theory” because if it were not for the fact that the “name-language of man and the nameless one of things” were “related in God,” the task of translation would be “insoluble” (LM: 325–26). With the almost insoluble task of translation in mind, I want to turn now to the more well-known Benjaminian text on translation, “The Task of the Translator,” in order to tease out more precisely the nature and status of Derrida and Benjamin’s divergence.

Suspended over the abyss: the task of the translator

For Benjamin, translation is a gesture towards restoring language’s invisible ground in the language of names, and in this sense it has a curious and counter-intuitive meaning. Though the common-sense understanding of translation is one that reaches its limit with the proper name – the proper name is precisely that which can never be translated – on Benjamin’s view, the model for all translation is the “original” translation of mute things into linguistic Being by way of the most proper of names, by way of the paradisiac language of names in which every unique thing had its own unique and untranslatable name. The model for all translation, in other words, is the process by which the communicable content of language – the meaning, or signified – is stripped of that communicable content and the word is restored to its proper vocation: it is made to be *pure signifier*.

What this text contends with in particular is the insight that what is to-be-translated is, in fact, what is most *untranslatable*. The to-be-translated, in other words, is always what in fact operates like a proper name; it cannot be translated without a loss. However, in order to be made intelligible, every proper name must also be understood as a common noun. The double bind of the translator, then, and what makes the task impossible, is that he/she must heed a contradictory injunction: to respect the to-be-translated as a proper name which should *not* be translated on the one hand, and to render what is to-be-translated intelligible, which is to treat it as common noun, on the other.

In short, the limit posed to the work or task of the translator is that the only thing to be translated is that which must *not* be.

On the face of it, Benjamin's text, "The Task of the Translator" (which is itself an introduction to the translation of Baudelaire's *Tableaux Parisiens*), seems to be a rather straightforward discussion of the *practice* of translation from the perspective of its ideal. However, as Derrida points out, "the ordinary concept of translation" as rendering "what was first given," which we tend to think of as "the meaning," is not the object of Benjamin's investigation at all (TB: 177–78). Indeed, as Benjamin insists, while translators often understand their task to be a "transmitting function," a mechanical shifting of meaning from one medium to the other, this aim is the "hallmark of bad translations" (TT: 69). Translation, Benjamin tells us, is not a simple task at all, but is rather a "mode," governed by a "law of translatability" (TT: 70).

In order to make sense of what Benjamin means by this "mode," it is important to remember that he names as the model for all translations the "original" translation into one's own language from the pure language of Creation. As he says, "the interlinear version of the Scriptures is the prototype or ideal of all translation" (TT: 85). In fact, the translatability of a text relates precisely to its fidelity to the "tensionless" mode, the mode of the sacred book.

The higher the level of a work, the more does it remain translatable even if its meaning is touched upon only fleetingly ... Where a text is identical with truth or dogma, where it is supposed to be the true language in all its literalness and without the mediation of meaning, this text is unconditionally translatable.¹⁶

(TT: 81–82)

When Benjamin speaks of the "unconditional translatability" of certain texts, he is referring to those texts that manage to capture, however "fleetingly," the pure transparency of the language of names. Because these texts manage to convey the linguistic Being of their words, they cease, finally, to convey any semantic content. As Derrida says, "translation does not have as essential mission any *communication*" (TB: 180). Those texts that are unconditionally translatable manage to convey something of the pure language of Creation. As Benjamin says:

In this pure language – which no longer means or expresses anything but is, as expressionless and creative Word, that which is meant in all languages – all information, all sense, and all intention finally encounter a stratum in which they are destined to be extinguished.

(TT: 80)

Importantly, Benjamin tells us that there is a moment in *every* text in which meaning and word *cannot* be separated without loss; those moments which

function, in fact, like a proper name. This element Benjamin describes as the "nucleus" (which in the French is rendered as *noyau* or kernel). As he says, "it is not translatable because [of] the relationship between content and language." The untranslatability of this core or nucleus is, in fact, the reason that Benjamin decries the goal of "total transfer" of meaning from one language to another.

In elucidating this moment of the text which resists translation, Benjamin quotes Mallarmé, who laments, "The imperfection of languages consists in their plurality, the supreme one is lacking." In this remarkable passage, Mallarmé suggests that "thinking is writing without accessories," and that in the absence of the supreme language of pure unaccessorized thought, "the immortal word remains silent" (TT: 77). Thus, the untranslatability of the nucleus results from a lack or a loss, a loss that harkens back to the "fall" of the word in its catastrophes in the Garden, and at the Tower of Babel. The supreme language whose loss Mallarmé mourns is the language of names lost in the "fall."

The restitution that Benjamin is referring to, then, is not the "meaning" of the original that had been given, but rather "the reconciliation and fulfilment of languages" (TT: 75). Translation attempts to give back to languages in their plurality the immediacy of man's creative language, in which all that was communicated was the communicability of language itself. The *mode* of translation, then, is that of reconciliation or redemption.

If the nucleus or core of certain texts is untranslatable because it echoes only in the lost language of names, and yet translation's goal is something other than simply transferring meaning, Benjamin tells that "the roads toward a solution seem to be all the more obscure and impenetrable" (TT: 77). For the task of translation, of "ripening the seed of pure language" (TT: 77) is, as Derrida says, nothing less than "rendering that which must have been given" (TB: 176). Indeed, Benjamin says that "a real translation is transparent; it does not cover the original, does not block its light, but allows the pure language, as though reinforced by its own medium, to shine upon the original all the more clearly" (TT: 79).

In suggesting that the task of the translator is to "ripen" the seed of pure language, or to understand the moment of the original, which resists translation as a "core," Benjamin invokes a metaphor that is repeated throughout the essay. As both Paul de Man and Derrida note, despite Benjamin's conviction that translation must not be understood on analogy with natural processes, the text circulates insistently around the metaphors of ripening, seeds, and rinds. For example, Benjamin says that while "content and language form a certain unity in the original, like a fruit and its skin, the language of translation envelops its content like a royal robe" (TT: 75).

The core or nucleus of the original is the "pure meaning" – that which could only have been rendered in a language which is no longer – and is thus that which *resists* translation. The content and language of the original, on the

other hand – what we might better understand as signified and signifier – form a unity likened to a fruit and its skin. It is this second meaning – the meaning rendered in given language – that can be transmitted to another given language. Thus, it is the pure meaning that, in resisting translation, remains after translation (and I will return to the question of these remains in a moment). The nucleus, or core of the text, thus functions as a proper name. The *law* of translation, then, is this: respect the nucleus or core as you would a proper name; it cannot be translated.

Following from the metaphor of fruit and skin, Benjamin makes it clear that only the original can “bear fruit.” The translation – which is not the fruit, but rather non-natural clothing – cannot itself be further translated, “not because of any inherent difficulty, but because of the looseness with which meaning attaches to [it]” (TT: 81). Thus, a translation is an entirely different kind of entity than the original. It is neither a copy nor a representation, but is rather what “survives” of the original text. The translation is the original text in the inaugural moment of its historical, that is to say – in a curiously Hegelian idiom – its universal life.

This is why translation, Benjamin says, “is charged with the special mission of watching over the maturing process of the original language and the birth pangs of its own” (TT: 73). The translation is a moment in the life of the original that, Derrida says, “will complete itself in enlarging itself” (TB: 188). Translation is not a mere mechanical gesture, but rather must be understood on analogy with history: “The concept of life is given its due only if everything has a history of its own, and is not merely the setting for history, is credited with life” (TT: 71). Thus, the second moment of translation’s law or injunction is *survival*. The injunction of survival, as in “preserve me within a new language, understand me,” is the law that governs texts *tout court*. Thus, while translation’s mode is redemptive, its paradoxical and impossible law is this: “Translate me (as in preserve me), but whatever you do, don’t translate me (as in, respect me).”

Thus, it emerges that what Benjamin is contending with is that the only thing to be translated is language’s *linguageness*. The only thing to be translated – what remains of the text once it has been stripped of its semantic content – is the pure meaning of the language of names. For we remember that Benjamin says, “Naming is that by which nothing beyond itself is communicated and *in* which language itself communicates itself absolutely” (TT: 69). Translation is thus the process by which we “remember” that at one point every unique and singular thing-in-itself had its own unique and singular name.

In spite of some remarkable congruencies between Benjamin’s and Derrida’s projects, there are equally significant differences. Charting the differences between these two thinkers, however, is no simple exercise. For instance, the fact that Benjamin assumes a divine origin of language before its “fall,” and appeals to an eschatological overcoming of language’s ambiguities by way of a “divine violence,” might seem reason enough for Derrida, the anti-metaphysician, to

distance himself from the politics this thought implies. Or, relatedly, it might be reasonable to expect that Derrida's readings of Benjamin's essays would "deconstruct" their axioms and thus give rise to a different account of the "mystical" premise at the intersection of language and politics that Benjamin proposes. However, it is precisely this mystical premise that is Derrida's most important Benjaminian inheritance.¹⁷

At the same time, Derrida is explicit that there is an element of Benjamin's text that he finds "almost intolerable." Speaking specifically about Benjamin's "Critique of Violence" Derrida says:

this text, despite all its polysemic mobility and all its resources for reversal, seems to me to resemble too closely, to the point of specular fascination and vertigo, the very thing against which one must act and think, do and speak, that with which one must break (perhaps, perhaps).

(FL: 62)

To understand Derrida's caution here, it is crucial to note the "almost" in what Derrida describes as "almost intolerable." For what Derrida is referring to is Benjamin's willingness to point to the unrepresentable, that is, to what it is that thought cannot think. And it is *thought itself* that finds intolerable what is beyond its purview. The experience of this unrepresentability, the dimension of things that is beyond thought, is, in fact, what Benjamin and Derrida both mean by the abyss. In fact, that there is a beyond to representation is precisely why Benjamin finds it absurd to claim that philosophy could be closed and thus guaranteed. And while Derrida admires the "courage" of a thought such as Benjamin's, which, in acknowledging that there is a beyond to thought, also acknowledges that "there is no *justesse*, no justice, no responsibility except in exposing oneself to all risks, beyond certitude and good conscience," he is equally cautious about what this acknowledgement entails: the risk that if thought cannot be closed, there is no guarantee that thought will not think the worst (FL: 51).

Now, it is important to note that while Derrida is disquieted by this risk, it is one which he is fully aware continues to haunt the deconstructive reading as well. Indeed, no one is more aware than Derrida that language, politics, and law are ultimately without anything other than a "mystical foundation." They are founded, that is to say, over an abyss, and, as Benjamin says, "to survive, suspended over that abyss is precisely their task" (LM: 315). While Derrida, like Benjamin, starts from the premise that language's ground (as well as that of politics and law) is abyssal, there is on Benjamin's view "a stop" to that abyss which he says is "vouchsafed to Holy Writ alone" (TT: 82). On Benjamin's view, the abyssal nature of language (and by extension, politics and law) is limited by the postulation of a divine origin to language, an origin "in which meaning has ceased to be the watershed for the flow of language and the flow of revelation" (TT: 82).

The postulation of this origin is precisely the moment at which Derrida and Benjamin diverge. It is not an abrupt or decisive divergence, however, for as the epigraph to this chapter suggests, Derrida thematizes the notion of a pure, foundational, original language around which Benjamin's text circulates, as a necessary *desire*. However, as I suggested in the last chapter, while Derrida affirms that the desire for this origin is uncircumventable, he also avows that there "is no intact kernel."¹⁸

The difference between Benjamin and Derrida in fact turns on how each identifies the force that opens philosophy and thus ensures the possibility of meaning. For both Benjamin and Derrida, philosophy is opened by an alterity which escapes all possible determination, but without which no meaning is possible. However, for Benjamin, that alterity is understood to be the postulation of God: an absolute outside to thought. For Derrida, on the other hand, while the alterity that permits the opening of philosophy does escape thought, it is not the postulation of God, but is rather, as Gasché puts it, "the minimal reference to an Other without which no God can come into existence."¹⁹ The alterity that opens philosophy is not in fact *outside* philosophy, but rather, *internal* to it; it is *différance*, or the trace.

Signing the trace

In order to illustrate how the trace opens philosophy from its inside, I want to return briefly to the discussion of the last chapter. As we saw, Hegel managed to bring the world of things-in-themselves fully into consciousness, where they were spiritualized and reissued as signs. However, as we also saw, the completeness of this endeavor is always compromised because it necessarily leaves behind a remainder for which it cannot account. What my discussion in the last chapter did not attend to is that the opposition between the sensible and the intelligible world, which Hegel believes his thought to have resolved, continues to leave its mark on the sign itself. For, notwithstanding its purportedly fully spiritualized existence, the sign is divided between a sensible (sensuous or thing-like) and an intelligible (conceptual and meaningful) part. In other words, while the sign *is* the givenness of nature in its de-natured and spiritualized form, and in this sense demonstrates Spirit's ability to draw itself entirely away from the world of things-in-themselves, the division of the world into its sensible and intelligible dimensions is recast *within the sign itself* as the division between signifier and signified.

As my discussion in the previous chapter indicated, Hegel's efforts notwithstanding, the division between the world of things-in-themselves and conceptual thought cannot be understood to be one of absolute difference, or dialectical contradiction. In exactly the same way, then, insofar as that division has been internalized by Spirit, the division between the intelligible and sensible moments of the sign cannot be understood on the basis of dialectical overcoming. Rather, like the path from the pit to pyramid, the division

between signifier and signified is marked by the trace; the two moments of the sign can only be understood to be in a relationship described by Derrida as *différential*.

For the outside of thought – the sensible, concrete, and given world – is drawn into thought as Hegel says, as “a foreign soul deposited in the pyramid.”²⁰ The foreignness of this soul is neither the signified (meaning or *Bedeutung*, which, as we have seen, is produced on the basis of generalizing the image of the thing-in-itself), nor the signifier (which Hegel tells us is a kind of inert body or tomb), but rather the trace of the outside (what Gasché calls an Other) which gives meaning to the signified; it is a trace of the very world of things-in-themselves which Spirit must have renounced in order to be “for itself,” or absolute. Indeed, the foreignness of this soul is the breach in the system of signification without which no meaning is possible. In this sense, for Derrida’s Hegel as much as for Benjamin, there is an “opening” of philosophy, a breach through which the apparently closed system takes in new “events.” However, this opening or breach, on Derrida’s reading, is one that is necessarily *internal* to Hegel’s philosophy as a system.

As Hegel is fully aware, the sign is constantly troubled by the foreignness of this foreigner. In fact, this trouble is precisely the reason why Mind must learn the sign as though it were a proper name, emptied of meaning, or as pure signifier. The process of doubled forgetting endemic to language is the practice of forgetting the “intolerability” of this unthinkable. And in this sense, it is the practice of erasing the distinction *between* signifier and signified: it is the practice of erasing the trace.²¹

For Benjamin, as we have seen, the practice of translation is one that attempts to give back to language the purity it had as *pure signifier*. In the moment of the “fall,” the singularity of the singular, which the language of names so beautifully expressed, is lost to meaninglessness; it slips through the meshes of generalized language, and can only express itself as a kind of melancholy. For Benjamin, language can only express the general, and has utterly forgotten the singularity of things. The practice of translation, then, is the practice of remembering that singularity which has been all but forgotten. In this sense, for Benjamin, translation is also the practice of erasing the trace.

Significantly, erasing the trace is a feature of the way we experience time. For example, when I hear myself speak, the word is immediately present to me as *my* meaning. Thus, I am constituted here and now, I am present to myself, as the being which is/says this presence. My experience of myself, like the meaning of the word itself, must occur “in the present.” The experience of hearing myself speak demands that the signifier and, by extension, the trace, which conditions the relation between signified and signifier, be erased. As Derrida puts it:

When I speak ... [n]ot only do the signifier and signified seem to unite, but also, in this confusion, the signifier seems to erase itself or to become

transparent, in order to allow the concept to present itself as what it is, referring to none other than its presence. The exteriority of the signifier seems reduced.²²

Derrida calls this experience an uncircumventable "lure" which has organized the opposition between sensible and intelligible, which the difference between signified and signifier seems to work. Erasing the signifier means that the meaning of the word as *pure concept* "presents" itself as pure presence.

Interestingly, the thought of "God" is the dream of just such an absolute, pure presence. In this sense, for Derrida, God is Himself the *effect* of *différance* or the trace. In other words, the "dream" of full presence, the full presence of meaning (what "God" has always signified) is not possible *without* the trace, for in a "certain and very strange way" *différance* is "older than the truth of Being."²³ As Rodolphe Gasché argues, "God's ... possibility is dependent on a structurally infinite network of referrals that comes to only an *illusion of a halt* when it represents itself, reveals itself, in exemplary fashion, as the One example (emphasis mine)."²⁴

Thus, the distinction which must be maintained between Benjamin and Derrida concerns their respective relation to this "illusion of the halt," the halt, that is to say, in the abyss that "is" the condition of language, politics and the law.

Stated in slightly different terms, the difference between Derrida and Benjamin is a difference that operates within the limits of the functioning of the sign, the limits of thinking which cannot abrogate the "metaphysical complicity" of the sensible-intelligible split itself. For, as Derrida is very clear, while the opposition of the signifier-signified or the sensible-intelligible "cannot be radical or absolute," this does not prevent it from functioning, and "even from being indispensable within certain limits." He goes on to say, "for example, no translation would be possible without it":

In effect, the theme of a transcendental signifier took shape within the horizon of an absolutely pure, transparent and unequivocal translatability. In the limits to which it is possible, or at least appears to be possible, translation practices the difference between signified and signifier. But if that difference is never pure, no more so is translation, and for the notion of translation we would have to substitute transformation; a regulated transformation of one language by another, of one text by another.²⁵

This is what I meant when I said that the condition of possibility for translation is the very *generalized economy of difference*, which Hegel sought so valiantly to restrict. Stated differently, that translation is *possible* in fact uncovers the process of *différance* which is the condition of possibility for meaning *tout court*. Translation practices the difference between signifier and signified which is marked by the trace.

However, it is important to note that the erasure of the trace is always possible. As Gasché says, “a trace is only a trace if it is erasable,” and in this sense, the trace contains the structural possibility of its occlusion and thus its identification as God.²⁶ This is a necessary, structural possibility because it is always possible; as Derrida says, “perhaps, perhaps.” But, simply because it is always *possible* does not mean it is *necessary*. In other words, for Benjamin, it is necessary to postulate a God who is the radical exteriority to philosophy, a “halt” to meaning’s dissemination. For Derrida, on the other hand, while this postulation is a structural possibility (and, in fact, almost inevitable to the extent that the abyss is “almost intolerable”), it is not *necessary*.

The result of this difference between them is subtle, and yet not, I think, insubstantial. In order to point towards the stakes of this difference, I want to briefly return to the heuristic or occasion of this chapter, which is deconstruction’s translation in “America.” For, insofar as that translation has become a discourse on the sacred, it participates in what I am calling here the “erasure of the trace.” To the extent that the Anglo-American “translation” of deconstruction misrecognizes the trace as the radical outside to thought, and in that misrecognition names that outside as “God,” it misses the very political force of deconstruction in the first place, which is to say, a philosophical undertaking, which (among other things), *thematizes* the intolerability of refusing totalization. For totalizing is what thought, and by extension, what thought’s discourse – philosophy – does.

Nonetheless, as this analysis goes to show, while philosophy attempts to enclose thought, both philosophy and thought are always necessarily opened by what thought cannot think. Philosophy is always necessarily breached. That this breach or opening is intolerable to thought or to philosophy does not prevent it from happening. On Derrida’s analysis, this opening has a name: it is deconstruction. It is for this reason that deconstruction is not a “thing” at all; rather, as Derrida says, “deconstruction takes place, it is an event that does not await the deliberation, consciousness or organization of a subject.”²⁷

That the risk of “absolute surprise” is the risk not just of what Derrida calls “the worst” but is also the risk of “the best,” constitutes the focus of the following chapter: *The messianic without messianism*. For, as Derrida tells it, *différance*, or the trace, has its own injunction, a logical rather than a normative “promise” that is at work in any kind of signification. Despite its merely formal nature, this logical promise nonetheless entails its own “must” or injunction. For, in order for the next event – which will necessarily be one of absolute surprise – to be possible at all, it must be “not-yet,” and thus radically unguaranteed. This structural requirement of our experience is a kind of messianism. What has been promised – the idea of justice – is coming, but its coming is already; it is here-now, but without presence.

Indeed, the abyssal nature of political-juridico representations, both justice and the law, constitutes the focus of the following *two* chapters. In the next

chapter, I turn to how Hegel's totalizing project is undone by Marx's notion of justice. For, as Derrida's analysis demonstrates, Benjamin's notion of Marxism as a "weak messianic power" is itself a moment of the kind of "deconstruction" of philosophy to which I have been referring. More precisely, the messianic – without messianism, or without a radical outside known as "God" – hints at an experience of time which structures one of the most taken-for-granted and yet, for all that, enigmatic, political-philosophical categories of modern thought: justice. For, of course, distinguishing "justice" from bourgeois right was not simply Walter Benjamin's undertaking, but also Marx's own. As I will argue, distinguishing between "right" and "justice" can be illuminated by understanding bourgeois right in terms of the "restricted economy" of capitalism. Marx's notion of "justice," which rejects "the application of a general standard," is, in fact, predicated on what Derrida might call a "generalized economy of the gift." As Derrida says:

The messianic exposes itself to absolute surprise and, even if it always takes the phenomenal form of peace or of justice, it ought, exposing itself so abstractly, be prepared ... for the best as for the worst, the one never coming without opening the possibility of the other. At issue there is the "general structure of experience" ... This abstract messianicity belongs from the very beginning to the experience of faith, of believing, of a credit that is irreducible to knowledge and of a trust that 'founds' all relation to the other in testimony. This justice, which I distinguish from 'right' alone allows the hope, beyond all 'messianisms' of a universalizable culture of singularities, a culture in which the abstract possibility of the impossible translation could nevertheless be announced.²⁸

All of the themes in this citation – "justice," "messianism," and "the general structure of experience" (an experience of the "to-come") – assert themselves in the following chapter.

Notes

- 1 For more on this question see, for example, Gasché's "Deconstruction as Criticism," *Glyph* 6, 1979, pp. 177–215, or the 1983 interview with Paul de Man printed in *The Resistance to Theory* (Minneapolis, Minnesota: University of Minnesota Press, 1986), pp. 115–21.
- 2 Rebecca Comay, "Geopolitics of Translation: Deconstruction in America" *Stanford French Review* 15, 1991, pp. 1–2.
- 3 Derrida, "The Time is Out of Joint" from *Deconstruction is/in America: A New Sense of the Political*, Anselm Haverkamp, ed. (New York and London: New York University Press, 1995), p. 28.
- 4 In fact, the title can be read in a variety of fashions. Among the contributors to the volume are those who treat "Deconstruction is America" (as in "America is the deconstruction of Europe"), "Deconstruction is *in* América" (as in "Hey, deconstruction, on this date, finds itself here these days, it *is* in America, it landed

- yesterday at JFK") and so on. *Deconstruction is/in America: A New Sense of the Political*, p. 28.
- 5 Derrida, "Letter to a Japanese Friend," in *Derrida and Différance*, p. 4.
 - 6 Derrida, "The Time is Out of Joint", p. 25.
 - 7 Derrida, "Letter to a Japanese Friend," p. 4.
 - 8 Derrida, *The Post Card: From Socrates to Freud and Beyond*, trans. Alan Bass (Chicago, Illinois: University of Chicago Press, 1987), p. 59.
 - 9 Derrida, *Ear of the Other*, Christie McDonald, ed. (New York: Schocken Books, 1988), pp. 103–4.
 - 10 Derrida, "Faith and Knowledge: The Two Sources of 'Religion' at the Limits of Reason Alone," in *Religion*, Jacques Derrida and Gianni Vattimo, ed. (Stanford, California: University of Stanford Press, 1998), p. 17.
 - 11 Walter Benjamin, "The Task of the Translator," from *Illuminations*, ed. and introduced by Hannah Arendt (New York: Schocken Books, 1968). Hereafter designated with the parenthetical comment (TT). "On Language as Such and on the Language of Man" from *Reflections: Essays, Aphorisms, Autobiographical Writings*, ed. and with an introduction by Peter Demetz (New York: Schocken, 1978). Hereafter designated with the parenthetical comment (LM). Derrida, *The Ear of the Other*. Hereafter designated with the parenthetical comment (EO). "Des Tours de Babel" in *Difference in Translation*, ed. and with an introduction by Joseph Graham (Ithaca, New York: Cornell University Press, 1985). Hereafter designated with the parenthetical comment (TB). "Force of Law: The 'Mystical Foundation of Authority'" in *Deconstruction and the Possibility of Justice*, Drucilla Cornell, Michael Resenfeld, David Gary Carlson, ed. (New York: Routledge, 1992). Hereafter designated with the parenthetical comment (FL).
 - 12 Benjamin is very clear that his object is "neither biblical interpretation, nor subjection of the Bible to objective consideration as revealed truth." Rather, his aim is "the discovery of what emerges of itself from the biblical text with regard to the nature of language" (LM: 322).
 - 13 I return to the problem of the grounds upon which one can differentiate the moments of identity that are repeated in Chapter 6, below.
 - 14 Derrida reminds us that while "we think we know the story, it is always in our interest ... to re-read it closely." I have relied on Derrida's own re-telling of this story in my recapitulation, *Ear of the Other*, p. 100.
 - 15 It is no accident that Benjamin uses the language of melancholy to describe a reaction to what is lost absolutely, for, as I will suggest in Chapter 4, melancholia is the pathological deviation from the "normal" process of coming to terms with loss: mourning. For what is most interesting about mourning is that like Hegel's master-concept – the *Aufhebung* – it involves the *incorporation*, or the digestion of singular, irreplaceable lost objects. In other words, whereas both mourning and Hegelian speculative dialectics are thrifty investment plans – nothing is ever really lost to the system – the melancholy which Benjamin here describes is a response to what is utterly lost. For Benjamin, language's practice is the "symbol" of what can no longer be expressed by language, is the expression of melancholia. Significantly for my purposes, at least in the Freudian text, the process of introjection – the central process at work in mourning – is demonstrated to be itself reliant on a "generalized economy" of melancholia. For Freud also argues that the ego is "a precipitate of abandoned object-cathexes," accomplished through a process of melancholic identification in the first place. The possibility of a "successful" process of mourning – the existence of an ego which generalizes on the basis of experience – is itself made possible by "failed" mourning. In a very precise sense,

then, "mourning" is the impossible, interminable, and unavoidable negotiation between the irreplaceability of the singular and the generalized concept.

- 16 Paul de Man points to a grave error in the French translation of this passage. Whereas in both the English translation, and the German original, the last two words say, "unconditionally translatable," Gandillac's French translation, says, "*La, où le texte, immédiatement, sans l'entremise d'un sens ... relève de la vérité ou de la doctrine, il est purement et simplement intraduisible.*" Where the last two words of the German and English say "absolutely translatable," the last two words in the French say "absolutely *untranslatable*." Paul de Man concludes that Gandillac's "error" in translation turned out to make no difference to the meaning of the text. This is precisely because while a sentence, word, or phrase is presumed to be absolutely translatable insofar as the meaning is presumed to be "there" transparently in the word – such that the *signifier* is erased – a word is considered to be absolutely *untranslatable* – like a proper name – insofar as the *signified* is erased. As I will show below, for both the absolutely untranslatable, and the absolutely translatable word, the "trace" is erased. Paul de Man, "Walter Benjamin's 'The Task of the Translator'" in *The Resistance to Theory*, foreword by Wlad Godzich (Minneapolis, Minnesota: University of Minnesota Press, 1988).
- 17 The term "mystical postulate" I take from Hent De Vries. See his most interesting article, "Anti-Babel: The 'Mystical Postulate' in Benjamin, de Certeau and Derrida" in *Modern Language Notes* 107, 1992, pp. 441–77.
- 18 Derrida, *The Ear of the Other*, p. 120.
- 19 Gasché, "God, for Example" in *Inventions of Difference* (Cambridge, Massachusetts: Harvard University Press, 1994), p. 161.
- 20 Hegel, *Philosophy of Mind: Being Part Three of the 'Encyclopedia of the Philosophical Sciences'* (Oxford: Clarendon Press, 1971), p. 213.
- 21 The difference between the pure presence of the signifier, the proper name, and the pure presence of the signified, pure meaning, will become important for my discussion in the next chapter. For the time being, however, suffice it to say, that each is a postulation of a purity which is in fact impossible.
- 22 Derrida, *Positions*, translated and annotated by Alan Bass (Chicago, Illinois: University of Chicago Press, 1981), p. 22.
- 23 Derrida, "Différance," in *Margins of Philosophy*, translated and with an introduction by Alan Bass (Chicago, Illinois: Chicago University Press, 1982), p. 22.
- 24 Gasché, *Inventions of Difference*, p. 162.
- 25 Derrida, *Positions*, p. 20.
- 26 Gasché, *Inventions of Difference*, p. 161.
- 27 Derrida, "Letter to a Japanese Friend," p. 4.
- 28 Derrida, *Religion*, pp. 17–18.

The messianic without messianism

There is a secret agreement between past generations and the present one. Our coming was expected on earth. Like every generation which preceded us, we have been endowed with a *weak* Messianic power, a power to which the past has a claim. That claim cannot be settled cheaply. Historical materialism is aware of that.

Walter Benjamin, "Theses on the Philosophy of History," 1968, p. 128

Philosophy is not meant to be a narration of happenings, but a cognition of what is true in them, and further, on the basis of this cognition, to comprehend that which, in the narrative, appears as a mere happening.

Hegel, *Science of Logic*, 1969

In the previous two chapters I examined the Derridean treatment of Hegel's philosophy in order to argue that a philosophical description of representation or signification is always a political undertaking. In the next three chapters, I turn from considering processes of signification in general, toward the signification or representation of one of the most important political categories of modern life: justice. In this chapter I examine the way that "justice" is hegemonically understood on the basis of a restricted political economy – that of capitalism. I shall counterpose "justice" to Derrida's suggestion that generalizing the economy of the "gift" is at the unthematized center of Marx's own antidote to the amortizing structure of thought. In other words, I examine the Derridean notion of justice – which Derrida has provocatively called "deconstruction" – in the context of Marxist debates about justice. In order to undertake my analysis, I turn towards Derrida's long-awaited work, *Specters of Marx*. What I discover is that while much of the history of Marxism relies on a teleological and Hegelian understanding of history, Marx's own unthematized notion of justice can be understood to be reliant on what Derrida identifies as a "messianic" notion of time, a time that Derrida is anxious to distinguish from any idea of a future democracy where the future would be a modality of the not-yet present. In this way, the Marxist notion of justice and messianic time is distinguished from a Hegelian-inspired understanding of time as teleological history and the notion of justice that it gives rise to. What gives

the Marxist notion of justice its political power is precisely that it is – in a Derridean vernacular – undecidable, and for that reason non-present or “spectral.” I conclude that the outcome of Derrida’s analysis is the insight that our responsibility as Marx’s heirs is to resist the dogmatism inherent in the former logic, and to heed the normative call of the latter.

To begin, it is important to note that Marxists have never found substantive principles of justice – which include equality, fairness, and impartiality *inter alia* – a very satisfactory basis for critique.¹ Marx himself said that to argue that capitalist exploitation is *unjust* is to condemn it on the basis of an abstract notion of right, which is itself endemic to the functioning of capitalism. The only principles of justice appropriate to judging capitalism, he insisted, are those that in fact “correspond” to it, and that are thus functional to sustaining and legitimating it. However, as many Marxist philosophers have noted, Marx’s critique of capitalism *does* have a normative and even ethical dimension. Indeed, it is incoherent to understand that Marx thinks capitalism is anything other than unfair.

This apparent conundrum has fuelled a long and sometimes bitter debate within Western Marxism. For example, Norman Geras tells us that between 1970 and 1982 at least three dozen new items appeared on the topic.² Even more importantly, as Ernesto Laclau remarks, the question of “Marx and justice” has not only been the theme of recurrent debates – between economic determinism on the one hand, and so-called ethical Marxism on the other – but those debates have made the history of Marxism itself possible. And while the controversy has largely centered on conflicting exegetical evidence, Derrida enters the fray on a rather new and startling note. The question Derrida asks in his text *Specters of Marx* is not so much “Did Marx have a theory of justice?” Moreover, he asks “If Marxism is to have a future, what notion of justice does it require?”

Derrida’s position, while rather mystifying, is nonetheless emphatic. He says if the question “whither Marxism?” is still possible then justice must carry “beyond the living present.”³ The notion of justice, which we require even to be able to ask the question of the future direction of Marxism, he claims, belongs to the “spectral moment, a moment that no longer belongs to time” (SM: xx). In this way, he relates the problem of Marx and justice to the question of time, a problematic that, for the most part, has seemed distant to the pressing questions of Marxism’s future. On the face of it, then, Derrida’s approach seems strange and abstract: the kind of hyper-theoretical retreat from politics that post-modernists are vilified for. But I will argue that not only is the link between Marxism, justice, and time not a “lunatic” post-modern retreat from politics, but that it suggests an interesting direction for Marxism, one that offers something new and potentially important to the tradition. Following a line of questioning initiated by Derrida with respect to “time” allows for a way to think about justice, and in particular Marx’s own notion of justice, beyond the present and beyond certainty.

Marx and justice

It is precisely in the complex articulation between time and justice that Derrida enters into a dialogue with Marx. Specifically, Derrida finds in Marx's critique of justice a gesture that Marxism enables but is then unable to control. For, the bourgeois justice claims that Marx dismisses are in fact the unthematized possibility for the very critique of ideology that undercuts them. While Marx claims that the notion of justice that governs capitalist exchange is a part of the legitimating apparatus of capitalism, that claim itself – a part of Marx's important critique of ideology – is motivated by a notion of the good that cannot be accounted for without recourse to the very bourgeois ideological structure that it simultaneously dismantles. This logical structure will be recognizable to all that are familiar with the traditional practice of immanent critique: a procedure that pushes the bounds of the object's self-understanding by holding it rigorously to its own self-definition.⁴ However, what Derrida's analysis allows us to notice is that Marx's engagement with the problem of justice involves more than critique. Derrida's insight is that the normative thrust of Marxism secretly relies on an alternate and undeveloped notion of justice, one permitted by what Derrida calls a messianic notion of time. So, while Marx's critique of bourgeois justice claims (and the social relations that animate them) is well rehearsed, it seems appropriate to offer a synopsis.

Under capitalism, Marx tells us, workers receive a wage for their labor, an exchange that appears to be fair. However, upon closer examination it becomes clear that workers, whose labor power is itself the source of the value of the commodities they produce, will have to work longer than the time that is necessary to reproduce the value of their own labor power, longer than is necessary to replace the value of the wage they have received. That is, they will perform surplus-labor, and the surplus-labor they perform will be appropriated by the capitalist as a profit. This appropriation is what Marx argues is the objective feature of capitalist exploitation, and it is on this basis that Marx argues that exploitation is integral to capitalism.

This analysis poses the bourgeois notion of justice against the bourgeois social relations it sustains in order to demonstrate the poverty of both. As such, it is an example of the critique I alluded to above. For, while the exchange appears to be fair – the capitalist has paid for the value of the worker's labor power – in fact, the capitalist, by virtue of owning the means of production, gains more from this exchange than the worker. It is for this reason that Marx also regularly employs the language of theft when describing capitalist extraction of surplus product from working people and condemns capitalism on the basis of such other values as its non-freedom, or oppression. For example, Marx says of the process of capitalist development: "Along with the constant decrease in the number of capitalist magnates, who usurp and monopolize all the advantages of this process of transformation, the mass of misery, oppression, slavery, degradation and exploitation grows."⁵ Justice,

rendered as fairness, is not being done here, as capitalism unfairly advantages the capitalist.

In this sense, Marx does not so much condemn capitalism on the basis of justice. Rather, he condemns justice on the basis of capitalist social relations. Indeed, Marx claims that justice is an inherently *distributive* value. It is, in other words, always on the basis of a formal, generalized and essentially numerical distribution that something is considered just in the first place.⁶ Justice on this account is understood on precisely the same kind of formal basis as that which considers workers to be equal in their interchangeability. As Marx says:

Right by its nature can exist only as the application of an equal standard; but unequal individuals ... are measurable by an equal standard only insofar as they are made subject to an equal criterion, are taken from a certain side only, for instance, in the present case, are regarded only as workers and nothing more is seen in them, everything else is ignored. Besides, one worker is married, another not; one has more children than another etc. etc.⁷

Thus, to argue that capitalist exploitation is unjust is to condemn it on the basis of an abstract notion of right, which is itself endemic to the functioning of capitalism. What is deemed to be just, in other words, can only be understood from within the hermeneutic horizon of bourgeois ideology – an ideology whose purpose is to shore up these very relations of exploitation. “To avoid all these defects,” he says, “right would have to be unequal rather than equal.”⁸ It is in this sense that Marx argues that communist society, one in which each will give according to his/her ability and receive according to his/her need, will be *beyond justice*.

Thus, while Marx clearly does not condemn capitalism on the basis of justice – indeed, whether he condemns capitalism at all is the source of another controversy I cannot enter into here – he is equally clearly not a disinterested commentator, a purely scientific observer of the events of history. There is clearly an unthematized evaluative, even moral dimension, to Marx's thought, which seems to remain un-deconstructed by his own critique of ideology. His critique of capitalist exploitation is precisely that it is unjust, but its injustice is not visible from the perspective of dominant ideology, an ideology that renders justice unjustly, if you will. For justice to be rendered justly, Marx suggests that it would have to be rendered on a case-by-case basis: from *each* according to her ability, to *each* according to her need. It could never, in other words, become generalized, for that would involve the abstraction, and thus the violence, of bourgeois social relations.

Marx's use of the notion “justice,” then, swings between right understood as generality, abstraction, and universality, and right understood as inequality, concreteness, and pure singularity, and he is very clear about which version he

endorses. Following Derrida, I want to suggest that the crucial difference between these two notions of justice – the hinge between them – is time thought in two different ways. In one, the present is privileged as presence, and in the other, the present – or at least the future present – is, strictly speaking, non-present. It is, in Derrida's language, *spectral*. The first version understands time in the common, everyday way as a series of "nows." What is central and inevitable to this conception of time, as I will show, is that it gives rise to a teleological theory of history whose end redeems and thus avenges the past. The second more enigmatic version of time, one that Derrida himself argues makes deconstruction possible, is *messianic*. This version of time – wherein history does not come to an inevitable and predictable end, but rather breaks apocalyptically away from time to begin a whole new history – gives rise to a completely different way of thinking about justice, one modeled on the impossibility of what Derrida calls the "gift." The first teleological and vengeful notion of history has held sway within Marxism – notwithstanding long and bitter debates – while the normative thrust of Marxism secretly relies on the second impossible and messianic one.

My point of departure, then, is Derrida's suggestion that the ordinary understanding of time as the succession of a series of "nows" gives rise both to a teleological notion of history, and to a notion of justice as revenge. This is a startling and rather mystifying claim. While justice as vengeance – justice as charged with historical memory, if you will – is not new to political philosophy (witness Benjamin's insistence that socialists are "nourished by the image of enslaved ancestors rather than that of liberated grandchildren," or Adorno's bitter remark that "the attempt to change the world miscarried" and thus "philosophy lives on,")⁹ Derrida insists that justice thought as revenge is a direct consequence of time thought in terms of the existence of "the now." The first question, it seems to me, then, is: "How does this highly political notion – justice – arise from the profoundly philosophical problem of time?"

The answer to this question takes me on a detour into Hegel and Aristotle. For, while it was surely Hegel who brought time's transformation into history squarely into the realm of modern political thought, he undertook his analysis of time by way of that of Aristotle. Significantly, both Aristotle and Hegel ask how it is that pure undifferentiation as nature is interrupted by determination and difference, and both answered, "by way of time."

Aristotle and the "now"

For Aristotle, time is imagined as a flowing stream, an infinitely divisible continuum whose nearest image would be a line.¹⁰ Time (as all things) is assumed to be a thing with parts, it is made up of a past, a present or a "now," and a future (P: 217b33–18a6). For Aristotle, however, only the "now" can, strictly speaking, be said to exist. In other words, a thing can only be said to have an existence insofar as it has a *presence*, an existence in the present. Only things

that are in the "now" can truly be said "to be." From this it follows that those things that are in the past (already), or in the future (not yet), cannot be said to "be."

This criterion for existence leads immediately to a paradoxical problem with the "being of time." If a thing with parts is *to be*, all or some of its parts must be. Since its parts, past and future, *are not*, time does not show itself capable of substantial being. Any time span is assumed to be divisible into past and future, so that any "now" that is presumed to be extended in the sense that "now it is Wednesday" falls prey to such division. Given the non-being of past and future, only that which is instantaneously present deserves to be addressed by "is."

On one hand, Aristotle describes the "now" as the present and as the instant, and on the other hand the "now" as both identical and different. The present and instant are dual characteristics of the "now." The present is continual freshness, its ever-changing position between past and future, while the instantaneous character of the "now" is its indivisibility, the result of the operation of dividing time into past and future.

Considered as an instant, the "now" does not seem to be a part of time, for following the image of time as a line, the now does not go to make up time as a line any more than a point goes to make up a line. For there to be time, there must be an identity to the "now." In other words, there must always be a "now" which is present – each now must have some character of presence. On the other hand, difference is also needed for time. For there to be time, all "nows" must be different from each other, for time marches on. To be different, then, the identity, the present character of the "now," must be "destroyed" to make way for another now. The precise manner in which this destruction happens in order to allow for the requisite identity and difference for the now is hard to conceive.

If the "now" is always the same and different (P: 218a11), then a twofold impossibility results. From the requirement that two "nows" do not exist at the same time comes the demand that the earlier "now" be destroyed. But at what instant? The first impossibility of the "now" as pure difference is that the previous "now" cannot have been destroyed in itself because it existed then. Destroying the "now" when it was would be simple and utter destruction, but to have *different* nows, there must be at least some nows, so destroying the "now" when it was amounts to eliminating the very basis for having different "nows." On the other hand (P: 218a17), the "now" cannot be destroyed in another "now." The second impossibility arises from the assumption of the continuity of time. It is necessary to assume that "nows," like points, are not consecutive. Rather, they themselves are limits arising from the operation of dividing a continuum, either time or a line. Given time as continuous, there will always be an intervening time between any two "nows," so that if the "now" were to have been destroyed in another non-consecutive "now," it would have existed at the same time with infinitely many intervening "nows."

If "now" is always the same (P: 218a22), then time would be impossible. Without the destruction of other "nows," that is, on the condition of the pure

identity of the “now,” huge simultaneities would result. All “nows” would be the same “now,” and impossibly, things 10,000 years ago would be at the same time with things now (P: 218a28–29). Thus time would not be.

Aristotle affirms that time is *not* change (P: 218b10–20), and yet time is not *without* change (P: 218b21–a2). Rather, he says that time and change are *sensed* together (P: 219a2–a10). This last point is a rather important one for Derrida, and so I would like to take some time here on it.

Magnitude, change, and time follow one another and share continuity (P: 219a10–15). “Prior” and “posterior” are then established in each of these registers: place, magnitude, change, and time. Time appears in the operation of limiting changes by counting off two “nows” and ordering them as prior and posterior. “We apprehend time only when we have marked motion, marking it by before and after; and it is only when we have perceived before and after in motion that we say that time has elapsed” (P: 4.11.219a22–25). In our recognition of difference and mediation is a saying of duality by the soul: “the mind pronounces that the ‘nows’ are two” (P: a27–28). This saying of duality is a relative ordering: the two “nows” are said as prior and posterior, first one and then the other. The everyday saying about the passage of time then follows the soul’s logos about the limiting of change.

Time, the counting of change by counting “nows” as different, implies the recognition of an intervening middle. The middle is the structure of what Derrida calls auto-affection: there must be two “nows,” that is, time’s unity, the “now,” must be able to be doubled, must be identifiable even across different instances. Difference here implies exteriority – the different “nows” are separated by a space, a “middle” between them. So, in thinking time from the exterior, we can only say retrospectively, from the outside, that time has taken place when the soul says “now” twice. When we have experienced the middle separating the two, then we have had time.

This perspective is not available from the middle, but from outside, looking back at it. Since the middle is the auto-affection of the “now,” the production of another “now,” if we use the solution of formal identity, mastering material difference, which Aristotle uses in analysis of generation, then we have tamed the strangeness of the *différance* of auto-affective time-space.

A *differential* structure ensures that the first “now,” the prior, can only be named as such from the perspective of the second; the second is prior to the first. The first only becomes first afterward. The unit of time, tied to consciousness, is the dyad: the soul’s saying of two “nows.” One needs to be in a third “now” to see this. As we will see, Hegel’s treatment of time in the *Philosophy of Nature* follows Aristotle’s itinerary quite carefully.

Hegel’s version of time: from “now” ‘til eternity

For Hegel the becoming-history of time – a path that is treacherous, if not near impossible – is not incidental to his politico-philosophical system, but its

very heart. In a nutshell, Hegel's problem is that time is both temporally *impossible*, and philosophically *indispensable*. It is indispensable insofar as he argues that time's concept is eternal, and thus the inaugural category for both truth and philosophy. However, it is impossible insofar as "when time happens" each moment or "now" effectively destroys the one which preceded it. This dilemma is best captured in his statement that "in its Notion, time itself is eternal."¹¹ In this statement, Hegel has taken the Platonic axiom that the true is what survives the rigors of time (and therefore eternal) and pushed it to its radical outside. If the concept of time – time in its existence in Nature – is what is eternal, then it is the concept of time that is the inaugural category of the true. Insofar as philosophy is the pursuit of truth, then, time in its concept is *philosophically* necessary. However, Hegel argues, unless concepts are made actual, they are philosophically empty. So time must be made real; it must stop being a concept and actualize itself. However, this is impossible insofar as "when time happens" each moment or "now" effectively destroys the one which preceded it. This is how time is *temporally impossible*. In short, to escape being empty, time must become real, but in becoming real, it abolishes itself and in so doing abolishes the ground of philosophy itself.

The paradox in Hegel's thought is that time's existence, which guarantees philosophy, requires difference in the form of concrete humans in a concrete world. But difference itself – the spiritual world of humanity – could not itself exist unless time had already ended the undifferentiated arena of absolute space, of Nature. Time comes into existence – takes on a presence – through the back door. It comes into existence through weighting the basic unit of time, the "now," with a presence, but the presence of the non-temporal category *eternity*. Time's existence is achieved in such a way that the meaning of the copula itself – the *isness* of what is – is strained beyond all endurance.

For Hegel, nature is the Idea outside itself; it is pre-actualized Spirit. As such, nature admits no mediation and no difference. Nature, in other words, is pure, diffuse undifferentiatedness; it is "absolute space."¹² It can only become determined and differentiated, then, by way of its own negation, and so the negation of space must be, in the first instance, *spatial*. Hegel says this happens by way of the point, for the point is the "space that does not take up space."¹³ The point "suppresses and conserves, and spatially negates space."¹⁴ In so doing, however, the point *spatializes* space and negates itself by way of another point. With the appearance of more than one point, a line emerges. The negation of the point, in other words, gives rise to the line. For Hegel, then, the truth of the point is the line. And by the same dialectical operation that transformed the point into the line, the "truth" of the line is the plane.

Space that is spatialized through the point, which in turn gives rise to the line, and so on, is thus the "becoming-other" of space: the movement of differentiation. Through these negative, dialectical operations space has become concrete, determinate, *different* from itself. In other words, it has become determinate by losing its original status as "absolute space." Space mediated

by its opposite and spatialized is no longer space. Spatialization is thus a *de-spatialization* and *vice versa*. And the point that originally differentiates space from itself is a spatial marker, which is *non-spatial*.

So how is it that time emerges from this genesis of space as difference? As Derrida says, “in a certain way it is always too late to ask the question of time. The latter has already appeared.”¹⁵ For, time was the negative moment through which undifferentiated space *became* differentiated space. As he says:

The Being-no-longer and the Being-still which related the line to the point, and the plane to the line – this negativity in the structure of the *Aufhebung* already was time. At each stage of the negation, each time that the *Aufhebung* produced the truth of the previous determination, time was requisite.¹⁶

Time, in other words, *is* spacing. The existence of one cannot be thought without recourse to the other.

The *philosophical* problem here, then, is that Hegel’s maneuver has begged the question of the difference it requires for its own operation. For, as you remember, time has two different kinds of existence for Hegel. The first, time’s existence in Nature – absolute space – is as mere concept. In this “existence” time is not, cannot yet be *temporal*. It has to *become* real; it has to become temporal. This is its second kind of existence – as *history* in the realm of humans, the world, and difference. Time pierces and differentiates space, but difference requires the time of Spirit or history to come into existence, and history is time in the world.

Hegel resolves this dilemma by submitting time to the process of the dialectic. Time must become imbricated with Spirit – what Charles Taylor calls the “cosmic subject whose vehicle is Man.”¹⁷ As Hegel says, “time is the Concept itself, which is there in empirical existence” – that is, in real space or the World.¹⁸ So the concept of time – which is eternal – is there, in the stream of the temporal. But he has already alerted us to this impossibility. Hegel’s sleight of hand is to name the phenomenological experience of time – what time becomes for us – as an *intemporal* category. On Hegel’s view, time dialectically *discovers* its phenomenological status as *eternity*. Eternity, as the in-temporal, is the name for the impossible presence of the present *for us*. Eternity is our name for “now.”

At the phenomenological level, eternity can be even more precisely identified as the name for the presence of a *future* in the present. For through its articulation with actual subjects, time has entered the realm of desire. In other words, insofar as time becomes something that we *experience*, it has become subject to our subjectivities, it has become an object of something we think about and reflect on. And as Alexander Kojève says, “desire is the presence of an absence: I am thirsty [I desire water] because there is an absence of water in me.”¹⁹ Desire, in other words, is constituted by and conditioned on the basis

of the future. "Eternity," then, is, properly speaking, not just the name of the impossible presence of the present, but the name for the *presence of an absence in the present which is conceived in terms of the future*.

Now, there is a very particular rhythm to this time: future–past–present. For if desire is understood as the presence of an absence, that absence can only be understood on the basis of a memory of its presence. I only know that I am thirsty, in other words, because I once was not. And the *present* is the moment in which those two – the "not-yet" and the "already" – come together. The subject of this desire is thus a being who inhabits a time in which the future takes primacy – a being, that is, which inhabits *historical* time. The transformation of time into history, then, happens by way of concrete humans, whose experience of the "present" brings anticipation and memory together. This weighting of the "now" with a presence – "now" as an experience we are capable of having, as well as a philosophical concept which is the home of truth – engenders history.²⁰

Thus, time has a proper direction and an ultimate destination. For, the purpose of the development of Spirit in time (History) is to bring knowledge of itself to the world. This, as we have seen, requires the development of a spiritual community of humans adequate to the concept, a community of humans whose ultimate end will achieve the identity of subject and substance in Absolute Knowledge. This is the ultimate plan of God. History, then, is to be understood teleologically (as directed to realize Spirit) and eschatologically: Spirit can, ultimately, be realized.

There are three results of this analysis of Hegel's time treatise – in particular, time's transformation into History – which I want to highlight. First, this description of time erases an impossible piece of logic: the process by which History swallows up Nature requires an originary difference that is impossible. While time's existence requires difference in the form of concrete humans in a concrete differentiated world, that difference itself could not exist unless time had already pierced the undifferentiated arena of absolute space, of Nature. A missing "original difference" has been covered over. I shall return to this point shortly.

The phenomenological view reveals the second important consequence of Hegel's ontologization of time. On Hegel's telling, the condition of possibility for an "experience" of the present – which seems, by definition, to be indeterminable – is swept up in a future which has, in some sense, already been written. In other words, while "what happens next," from our vantage point, seems to be undetermined, on Hegel's telling of it, the appearance of indeterminability is an epistemological error. This is true insofar as "History" – the time of Spirit/humanity in the world – is not aimless in its spiritual fulfillment, but has a proper direction, and an ultimate destination. The purpose of the development of Spirit in time is to bring knowledge of itself to the world. This is the ultimate plan of God.

Third, as I suggested above, this way of conceiving of History means that justice must be thought in terms of revenge. The story of the journeying

subject in Hegel's *Phenomenology of Spirit* is a perfect case in point. For, while the subject of the *Phenomenology* constantly has the epistemic and ontological stuffing knocked out of him insofar as his picture of the world – whether it be sense certainty, the master and slave struggle for recognition, etc. – is continuously revealed as false, this disappointment turns out to be yet another necessary moment on the road toward truth. Hegel's journeying subject can always retrospectively understand his own path – no matter how humiliating – as having gone the way it was meant to.

For the rest of us, each humiliating defeat cannot be understood as spiritual grist for the mill. We are much more likely to find those humiliations preparing us for thoughts of retribution. Once history is formulated in terms of a necessary progression, either they whom history treats unkindly will understand themselves as historically expendable, or they will understand that history has gone wrong and must be righted. And we have seen that it can only be righted through the extraction of punishment. As Marx himself says, "the tradition of all the dead generations weighs like a nightmare on the brain of the living."²¹ It is in this sense that in the context of a teleological understanding of history, justice becomes conceived as revenge.

In *Specters of Marx*, Derrida's treatment of this notion of justice as revenge – one which he finds in a certain spirit of Marx – makes use of Shakespeare's *Hamlet*. Specifically, Derrida weaves an intricate textual relationship between Hamlet's despairing cry against the fate that sets him the task of avenging his father's murder, and the fate of the revolutionary class whose task is to set history straight. In the first case, as Hamlet says, the "time is out of joint" and it is his "cursed task" to set it right (Shakespeare quoted in SM: 3). In the second case, as the last enslaved class, the revolutionary class must turn the page of history and, in the words of Walter Benjamin, "complete the task of liberation in the name of generations of downtrodden."²² In both cases, time has gone awry, and justice is demanded. Both Hamlet and the revolutionary class have the responsibility of composing time back into one and avenging the dreadful chance that has taken hold of history.

Like Hamlet, the revolutionary class must also be certain of what the future should hold, and must be certain of where the path has gone awry, as well as who should be punished. If history has a "true" path, then it is to its interpreters to decide what that path is, and when and where it has gone off the track. Disputes between interpreters, then, take the form of disputes about the "proper" progression of history; the illusion of which Derrida reminds us, however unavoidable, "could lead back to ... a sort of fatalist idealism or abstract and dogmatic eschatology in the face of the world's evil" (SM: 87).

Derrida is clear that while "we not please the Marxists" with the insistence that there are several spirits of Marx, we are nonetheless enjoined to "sort them out" (SM: 87). And, while that process of sorting, of choosing, like all other decisions, must "pass through the ordeal of the undecidable," it remains our responsibility nonetheless. Among the spirits of Marx that Derrida finds,

two in particular stand out. The first gains its understanding of time and thus of history's proper end from Hegel. This "spirit" is one in which, as the above description indicates, history's path is clear, making proper rewards and punishments uncontestable. The second is a murkier "spirit," indeed, a spectral spirit. This is the "spirit" of Marx that Derrida endorses (as much as one can speak of Derrida endorsing anything) and he is making an elaborate argument for choosing it.

Before concluding that Derrida is suggesting we should live in a quagmire of philosophical purity and political inactivity, let me quote from him here at length:

People would be ready to accept the return of Marx ... on the condition that a silence is maintained about Marx's injunction not just to decipher but to act and to make the deciphering ... into a transformation that 'changes the world' ... [I want to insist, therefore, that we must aim] to avoid the neutralizing anaesthesia of a new theoreticism, and to prevent a philosophico-philological return to Marx from prevailing.

(SM: 32)

It is not political quietism that motivates Derrida's intervention now; rather, it is his desire to seize a tradition hampered by remaining within the metaphysico-theological ideology of the present – one which has lost sight of the foot it must always have in the door of what he calls the "democracy-to-come." This "democracy to come" – which Derrida is anxious to distinguish from any idea of a future democracy where the future would be a modality of the *not yet present* – is associated with Marx's own injunction, and/or with what Simon Critchley has called "the injunction of *différance*."²³

An(other) time: of ghosts, messianism, and singularity

To begin unpacking the relationship between the "democracy-to-come," Marx's injunction to "change the world," and the more enigmatic notion of the injunction of *différance*, I want to look carefully at a particularly dense and rich passage from *Specters of Marx*. Derrida says:

In the incoercible *différance* the here-now unfurls. Without lateness, without delay, but without presence, it is the precipitation of an absolute singularity, singular because differing, precisely [*justement*] and always other, binding itself necessarily to the form of the instant, in imminence and in urgency: even if it moves toward what remains to come, there is the pledge [*gage*] (promise, engagement, injunction, and response to the injunction, and so forth). The pledge is given here and now, even before, perhaps, a decision confirms it. It thus responds without delay to the demand of justice. The latter by definition is impatient, uncompromising,

and unconditional. No *différance* without alterity, no alterity without singularity, no singularity without the here-now.

(SM: 31)

This passage ties together a complex knot of interrelated themes – *différance*, singularity, the “promise,” decision, alterity – not all of which I can follow up on here. However, to begin, it is important to be clear on why Derrida’s notion of the “democracy-to-come” cannot be equated with a future of full “presence.” On this point Derrida is very clear; the future-to-come must somehow be conceived beyond the metaphysics of either a present future, or its usual alternative, the utopian lever of imagining the future present. This “democracy-to-come” (the idea of which is “beyond the regulating idea in its classical form”) will “never present itself in the form of full presence” (SM: 65). Rather, he says, we must think it as a “here-now” without presence.

Indeed, we have already seen how the philosophical achievement of time’s self-presence is actually the achievement of the impossible. Time’s emergence from space effaces the relation of time to space by isolating time from space, the now from the here. The “trace” of time’s necessary outside (space) is in fact on its inside. While Hegel’s rendition of time’s-emergence-from-space-and-becoming-history seems to be straightforward, it is in fact haunted by time’s-always-already-spaceness. It is the repression of time’s reliance upon space – and space’s on time – which constitutes the philosophical achievement of time’s conceptual purity. Time, as Hegel tells it, and as it occurs in ordinary thought as one identical moment followed by the next, is given this illusion of purity by virtue of the covering over of the *différential* structure that constitutes it.

Furthermore, time’s self-presence actually begs the question of the difference it requires for its own operation. The original difference – the origin of difference – is in fact missing. In order to give time an existence, Hegel has had to supplement an original undifferentiatedness with a difference that could not, logically, exist. Time’s existence, then, is achieved in such a way that the meaning of the copula itself – the *isness* of what is – is strained beyond all endurance.

It is this straining of the meaning of the copula that directs Derrida’s attention towards the ghost. What’s interesting about the ghost, Derrida points out, is that it both is and is not. It is neither alive nor dead, neither matter, nor strictly speaking, spirit, insofar as a ghost was always a somebody. Ghosts, in other words, have identities. In this respect, the ghost is a figure that is un-ontologizable. And insofar as the history of philosophy has been a meditation on the question of “what is,” the question of ontology, the ghost, which, strictly speaking, is not, but also, insofar as it has an identity, is, challenges philosophical discourses’ ability to cope. The relationship of the scholar to the ghost, then, is a difficult one. Indeed, Derrida points out that there has never been a scholar who can speak to ghosts, who does not believe

in the sharp distinction between the real and the unreal, "what is present and what is not" (SM: 11). The scholarly question that Derrida asks, then, is "how does Marx bind the ghost to ontology?"

This is not a trivial question, it seems to me. For once we see the consequence of Hegel's ontologization of time, and the way he presses the notion of historical experience into the service of a totalitarian notion of a historical end, the question of ontologizing the un-ontologizable becomes a political, and not simply a philosophical or hyper-abstract, question. Derrida's logic borrows from the lesson of the ghost, which both is and is not. Thus, his logic is not tentative or wishy-washy but, rather, spectral.

This key to understanding what Derrida means by the "democracy-to-come" is precisely this kind of spectrality, for it refers, most baldly stated, to the "opening" that occurs, and that must occur, between any positing, and that positing's own undoing. "Democracy-to-come" is the promise ("pledge, engagement, injunction" – and I will return to this promise-as-injunction in a moment) inherent in any signification. For all forms of signification happen by way of signs which are themselves "standing in" for what is not there. The sign literally takes the place of the missing referent. In this sense, signification, while naming a "presence," is always-already pointing beyond itself towards what is not and cannot be present. Any positing, in other words, is always-already pointing to what is not and cannot be posited.

Each element appearing on the scene of presence, is related to something other than itself, thereby keeping within itself the mark of the past element, and already letting itself be vitiated by the mark of its relation to the future element.²⁴

There is always an "opening" or a beyond that makes any signification possible. And yet, all signification happens "on the scene of presence"; it names a presence which is simultaneously belied by the process of signification itself. What is announced by signification is the promise of what is not-yet, but promised in meaning: this will be.

Here Derrida has followed up on Heidegger's explosive insight that the first condition of possibility for anything to be – at least for us who can experience it – is that it appear in time; it must occur, present itself in the present. This presentation of reality in "time," breaks up the density of the night in which, as Hegel says, "all cows are black."²⁵ All "being," then, is an event, and in order for it to be possible it cannot have already occurred. In order to be possible it must be *not yet*. Derrida is here alluding to something positive that he finds in the general structure of experience: our necessary, even helpless, openness to the pure event, the absolute unknowability, the necessarily unconditioned status of the "what happens next." Our experience of the "to come" is of a radical or absolute alterity, and as it cannot have happened yet, we cannot know, anticipate, or foreclose it by what Ernesto Laclau calls "any

a *prioristic* discourse.”²⁶ This is the sense in which Derrida argues that the “present” must be understood as spectral, as, strictly speaking, unontologizable, for it can only be collected, organized, gathered into being and imagined retrospectively. It is only ever afterwards, when the event has already happened, that we may say “it is.” The event, in order to be possible, must be “to-come,” but we can only know it once it has happened. Thus, the promise is this: what is not and cannot be posited is coming, but its coming is not-yet, but rather already. For the future is already passed. Derrida says “what stands in front ... must precede it like its origin: before it” (SM: xix). The future, as Stella Gaon has argued, “is no longer; it is a trace, a specter, neither being nor non-being, but – to put it in a word – the movement of *différance*.”²⁷

This notion of *différance* is one of the most important and least understood of Derrida’s neologisms. In one of his many attempts to explain it, he states that *différance* is “no longer simply a concept, but rather the possibility of conceptuality.”²⁸ *Différance*, as we saw in the introduction and first chapter of this book, is not abstract negation or purely formal differentiation. Yet neither is it determinate negation, or difference understood as speculative differentiation. To think *différance* requires a thought of difference beyond the Hegelian model of negation itself. *Différance* is the movement which simultaneously covers over and reveals the “trace” of any concept’s necessary outside/future which is, and must be always-already inside/before. As we saw in the first and second chapters, it is the trace of the outside world which Spirit must have renounced in order to be “for-itself” or Absolute, but which makes meaning possible. It is the opening in philosophy that can easily be mis-recognized as “God.” It is the movement of *différance* – that opening – that allows for “time” to have a presence, to appear and thus to be. It is *différance* that makes possible the illusion that reality can “present” itself in time.

What is the nature, then, of the injunction of *différance*, which, as Derrida says, is “uncoercable”? How, in other words, are we to understand its *must*? The answer to this question returns us to the nature of the pledge, which, as I suggested, has to do with what Derrida finds in the general structure of experience. The promise is, strictly speaking, structural; it is a *logical* pledge at work in any kind of signification. Indeed, Derrida is careful to distinguish this structural or logical “promise” from a “metaphysico-religious determination.” The structural feature of the promise is not related to signification *qua* meaning, but rather the features of meaning for us, for those who cannot escape the need for reality to be presented in the “present.” It is we who experience reality as it presents itself to us in a series of identical “nows.”

It is this experience of the promise that Derrida is calling messianic. And it is in the messianic promise that Derrida locates the “spirit of Marxism” he wants to endorse. As he says:

If there is a spirit of Marxism which I will never be ready to renounce ... it is ... a certain emancipatory and messianic affirmation, a certain

experience of the promise that one can try to liberate from any metaphysico-religious determination, from any messianism.

(SM: 89)

It is important to note here, again, that while the notion of the messianic Derrida is attempting to develop is surely influenced by the one also developed by Walter Benjamin, the two cannot be collapsed. As I suggested in the last chapter, Benjamin's notion of the messianic appeals to a radical outside to thought; it is a messianic with a certain "messianism." Unlike Benjamin, Derrida states unequivocally that he is advocating "the messianic without messianism" (SM: 73, 89). In his separation of the messianic from messianism or a Messiah, Derrida is not proposing anything like that of Walter Benjamin.²⁹

Rather, as I suggested in the last chapter, Derrida's reference to the "messianic without messianism" alludes to the unconditionable nature of the "next event." In order for it to be possible at all, it must be "not-yet," and thus radically unguaranteed. It is in this structural requirement of our experience, rather than the coming of God, where Derrida locates his notion of messianism. This "atheological heritage of the messianic" has emptied itself of hope, the hope that someday, somewhere, there will be a full presence (SM: 168).³⁰ Hope for the fulfillment of the "to-come," if one knows (as a believer must) that Messiah is coming, "would be but the calculation of a program" (SM: 168–69). What has been promised is coming, but its coming is already; it is here-now, but without presence. Thus, the "now" which Hegel fills with a future-oriented and directed presence, Derrida leaves "necessarily indeterminate, abstract, desert-like ... given up to its waiting for the other" (SM: 90).

Here Derrida returns to his ongoing conversation with Emmanuel Levinas. More precisely, Derrida's messianic notion of time is clearly indebted to Levinas, for whom time must not be thought as the achievement or experience of an isolated individual, but rather as constituting the very relationship that that subject has with the Other. On this point Derrida is clear: in order to be respected, to be understood as truly other, rather than merely the "other of the same," the Other must be other to the system, and in that sense, incalculable. The openness to the absolute alterity of the next moment which Derrida finds in the general structure of experience, is also an openness to the absolute alterity of the "Other." Human individuals, in other words, must not be understood as calculable on the basis of some abstract, prior determined notion – of universalizability, of numerical equality, etc. – but are rather experienced as unequal, non-calculable, singular.

The messianic notion of time Derrida is drawing on, and the messianic eschatology from which Levinas also draws inspiration, is not "an opening among others." Rather, "it is opening itself, the opening of opening, that which can be enclosed within no category or totality." Derrida goes on to say that it is meant to capture "everything within experience which can no longer be described by traditional concepts and which resists every philosopheme."³¹

We can at least see the outlines of the important relation Derrida draws between “democracy-to-come” and the injunction of *différance*; it remains to be seen how these are related to Marx’s own injunction, and to Marx’s notion of justice. For the messianic, the opening, *différance*, the promise, finally, are all ways of talking about what Derrida means by justice. And “justice,” he says, “if such a thing exists, outside or beyond law, is not deconstructible.”³²

This last point, and in particular Derrida’s insistence on deconstruction as a kind of justice, is crucial to understanding the relationship he is drawing between Marx’s notion of justice and his own. As he says, “deconstructive thinking ... has always pointed out the ... undeconstructability of a certain idea of justice; [one which] has never had any sense or interest ... except as a radicalization ... of a certain Marxism, in a certain spirit of Marxism” (SM: 90, 92). This justice, which is a “radicalization” of a “certain Marxism,” Derrida insists, maintains an absolute singularity which cannot be absorbed by the generality of any law. And justice is undeconstructible, not because the singular from which the general is drawn is a prototype: to think this way would be to be drawn again into the metaphysics of presence. Justice is undeconstructible because the singular (the original referent, if you will) from which generality (and hence signification and meaning) flows, was never there: it is *missing*.

Derrida’s analysis of referentiality, then – of all forms of ontologization, of seemingly pure philosophical categories – simply points towards the fact that the original referent was never there. However, because we must experience reality as a presentation in the present, we will continue to anticipate an original referent, a singular instance from which flows all generalization, signification, and thus meaning. But the illusion of that original referent was always only an effect of signification. It is for this reason that *différance* is “uncoercable”; for deconstruction – the working of *différance* – must be understood, not as something *we do*, but rather what is always already at work in any positing. Thus, our incessant search to close the gap between what is posited and its own unsaying is “absolute hospitality ... a waiting without horizon of expectation” (SM: 168).

When Derrida says provocatively that “deconstruction is justice,” then, the deconstruction he is referring to is the movement inherent in all signification that points towards the spectrality of its original referent. Justice is this pointing towards, or acknowledgment of meaning’s own haunting by a referent we seek but which is not there. And justice is undeconstructible not because there is, finally, one blueprint, or ultimately, some ground for its absolutization, however narrow, but because it is a structural feature of our experience of signification; it is the waiting for the promise whose coming is announced in meaning. This waiting “without horizon of expectation,” however, is not infinite patience, but rather “urgency, imminence.” For the “democracy-to-come,” the promise, the messianic – in a word, justice – is not in the future present, but here-now. As Derrida says, “[Justice] by definition is

impatient, uncompromising, and unconditional. No *différance* without alterity, no alterity without singularity, no singularity without the here-now" (SM: 31).

Thus, Derrida's seemingly interminable critique of "presence" returns us to the heart of Marx's notion of justice: the pure singularity, the un-enforceable, non-generalizable, unequal notion of right that animates it. According to Derrida, the heart of Marx's theory of justice is impelled by the impatience and the urgency of justice's own coming. The spirit of Marxism itself, as the acknowledgment of the haunting of bourgeois justice claims by their own undecidability, is not abstract, or in a future we can describe, but rather here-now. The justice that Marxists seek – and Derrida lists a "ten word telegram" from which we might choose – announces its own arrival as a singularity that is infinitely incalculable (SM: 81).

It is this singularity that we must think in order to combat a notion of history in which we already know, like the plot of a standard Hollywood film, how it ends. It is, then, through this interpretation of the normative heart of Marxism that Derrida finds a way to think about how to maintain a critical foot outside of metaphysical notions of time, teleological notions of history, and bourgeois notions of justice as equality, as universalizability, and as revenge.

This is what Derrida means when he says that justice cannot be thought on the basis of restitution, which, as we have seen, flows from a teleological notion of history, and from a "cinematic" understanding of time. Rather, justice must be thought on the basis of the "gift" – "that is, beyond right, calculation, and commerce" – or it risks being reduced again "to juridical moral rules," the bourgeois rules of distribution and of abstraction which Marx dismisses (SM: 27–28). As Derrida says elsewhere, "wherever there is time, wherever time predominates or conditions experience in general, wherever time as a circle ... is predominant, the gift is impossible."³³

The gift is impossible wherever time is thought as a circle because gifts, to be gifts, ought not to appear as gifts; they ought not to be recognizable as gifts. In order to be truly free, they must incur no debt, no recognition, no obligation. They must, in other words, be outside the sphere of circulation, outside the circle. Indeed, the gift, as that which obligates no one, is precisely the figure which disrupts the economy of exchange, and breaks one out of the amortizing economy of debt, of memory, and thus, of justice as *rèvenge*. It is in this spirit that Derrida says, "Can one not yearn for a justice that one day, a day belonging no longer to history, a quasi-messianic day, would finally be removed from the fatality of vengeance?" (SM: 15)

This is a justice not linked to a notion of the present, either in the sense of the dominant ideology of the present, or in the sense of making the present "now" take on a presence. This is a precarious and unjustifiable notion of justice, one that cannot guarantee that, for example, this direction is the right one, and that direction is the bad.

Thus, it comes to us, finally, to decide if Derrida's careful textual work can add anything to the traditional debate about "Marx and justice." And I think

it can. For so long as the implicit understanding of justice at work within the tradition remains caught in a Hegelian metaphysics of presence, it is reduced to "sanctioning, restituting and doing right." It can never get beyond right. The consequences of this notion of right, as we have seen, are a dogmatism – a certainty of the shape and texture of the "to come," a destructive and tendentious orthodoxy – within the tradition which we are attempting to re-think. But if time is understood as, strictly speaking, philosophically un-masterable, the historical end is opened up; it is no longer tied to the necessary end found first and emphatically in Hegel, and second, ambivalently, in Marx.

This, of course, leaves open the question of what the "to come" might actually mean – why a socialist and not a totalitarian or fascist future? Derrida himself is aware of this question. As he says, "Left to itself, the incalculable and giving idea of justice is always very close to the bad, even the worst, for it can always be reappropriated by the most perverse calculation. It's always possible."³⁴ This question cannot be resolved within the confines of this debate, and must be left for another moment. However, what I can conclude with is the following: to the extent that we can agree that Marxism's secret standard of justice conforms to the justice Derrida is sculpting here – beyond calculation, organized in and through a messianic notion of time, and thus beyond abstract right – we may be able to agree on the following notion. While not all political programs that do not seek a guarantee are Marxist, any political program that does seek a guarantee is *not* Marxist. If, in other words, we attempt to understand the spirit of Marx which embraces the un-ontologizability of the future, and therefore faces squarely the responsibility to act in the world without guarantee, we may have found a thought for politics appropriate to "our time."

For, as I hope I have shown, the difference between the two different notions of time, history, and the good at play in Marx's notion of justice is not benign. With time thought in such a way that the present is privileged as presence, history is understood teleologically, wherein the future avenges the past and the present – or at least the future present – is strictly speaking, non-present.

It is, in the end, a question of justice that animates Marxists and socialists of all stripes. But this question of justice must be radically contingent; we cannot know where we are going, but that does not discharge us from the responsibility of acting. Derrida charges us with the responsibility of remembering the past, and of being open to an infinitely incalculable future; to re-question Marx's own theories of politics, while holding onto the fundamental justice claims which animate them.

Notes

- 1 There are, of course, lengthy and important debates about the meaning and legitimacy for all of these principles of justice. See, for example, Rawls, Nozick, Habermas, etc.

- 2 Norman Geras, "The Controversy about Marx and Justice," *New Left Review* March–April, 1985, pp. 47–85.
- 3 Ernest Laclau, "The Time is Out of Joint," in *Diacritics* (summer 1995), vol. 5, no. 2. This is an obviously hyperbolic point, as the question of the nature of the Soviet Union, or the possibility of the party, or any number of other questions could equally be considered central. The point that Laclau is making, I think, is that the question of Marx and justice is central to a philosophical project. Jacques Derrida, *Specters of Marx: The State of the Debt, the Work of Mourning and the New International*, translated by Peggy Kamuf (New York and London: Routledge, 1994), p. xix. Hereafter identified in parentheses with the designation (SM).
- 4 It has been suggested that Derrida's tendency to find a deconstructive logic everywhere he looks is the result of a misrecognition of the logical structure of critique. While Derrida's traditional interlocutors – Hegel, Nietzsche, Heidegger, Freud – are clearly located within the same tradition as that which gives us immanent critique, this misses the point of his project altogether. Derrida himself addresses this issue when he says, "deconstruction is not a critique of critique, according to the typical duplication of post-Kantian German ideology" (SM: 162). In developing his "counter-readings" of the major figures in the tradition of Western metaphysics, Derrida demonstrates how these texts inevitably contain elements inimical to the allegiance to presence Heidegger calls "metaphysics." At the same time, however, Derrida also demonstrates that those texts that claim to have escaped metaphysical conceptuality – most notably those of Husserl and Heidegger – are themselves reliant on the same allegiance to presence they claim to have escaped. In this way, Derrida shows how these canonical texts inscribe a margin marking the inside and outside of metaphysical closure.
- 5 Marx, quoted in Geras, "Controversy about Marx and Justice", p. 52.
- 6 I return to Marx's critique of "quantity" in the next chapter.
- 7 Karl Marx, "Critique of the Gotha Program," in *Karl Marx: Selected Writings*, ed. David McLellan (Oxford: Oxford University Press, 2000), p. 321.
- 8 Ibid.
- 9 Walter Benjamin, "Theses on the Philosophy of History," from *Illuminations*, edited and introduced by Hannah Arendt (New York: Schocken Books, 1968), p. 262; Theodor Adorno, *Negative Dialectics* (New York: Continuum Publishing Co, 1992), p. 3.
- 10 This is most clearly treated in Aristotle, *The Physics* 217b33–18a6, translated by Hardie and Gaye (Oxford: Oxford University Press, 1930). Hereafter identified in parentheses with the designation (P).
- 11 G.W.F. Hegel, *Hegel's Philosophy of Nature* by A.V. Miller (translated by A.V. Miller, Oxford: Oxford University Press, 1970), p. 36.
- 12 G.W.F. Hegel, from the *Jena Logic*, quoted in Derrida, "Ousia and Gramme," in *Margins of Philosophy* (Chicago, Illinois: University of Chicago Press, 1982), p. 41. The bulk of Hegel's writings on the nature of time are to be found in his *Philosophy of Nature*, edited and translated by M.J. Petry (London: Allen and Unwin, 1970), pp. 28–44. Aristotle's writings on time are largely to be found in *The Physics*.
- 13 Quoted in "Ousia and Gramme," p. 42.
- 14 Ibid.
- 15 Ibid.
- 16 Ibid.
- 17 The phrase is Charles Taylor's from *Hegel and Modern Society* (Cambridge: Cambridge University Press, 1993), p. 94.
- 18 Hegel, *Phenomenology of Spirit*, translated by A.V. Miller (Oxford: Oxford University Press, 1970), p. 487.

- 19 Kojève, *Introduction to the Reading of Hegel: Lectures on the Phenomenology of Spirit*, Allan Bloom, ed. Translated by James Nichols Jr. (New York: Basic Books, 1969), p. 134.
- 20 The logic which Hegel proposes here is time as the circle which disappears itself as circular. Time, in other words, dissimulates the appearance of the circle in its actualization. As he says, "Time is the Notion itself that *is there* and which presents itself to consciousness as empty intuition; for this reason, Spirit necessarily appears as Time, and it appears in Time just so long as it has not *grasped* its pure Notion, i. e. has not annulled Time. It is the *outer*, intuited pure Self which is *not grasped* by the Self, the merely intuited Notion; when this latter grasps itself it sets aside its Time-form, comprehends this intuiting, and is a comprehended and comprehending intuiting. Time therefore, appears as the destiny and necessity of Spirit that is not yet complete within itself." *Phenomenology of Spirit*, p. 487, emphasis in original. It is worth noting that Aristotle too understands time as the appearance of the circle: "Time appears as the movement of the sphere because other movements are measured by this one, as is time itself. This also explains the common saying that human affairs form a circle ... even time itself is thought to be a certain circle." Aristotle, *Physics*.
- 21 Karl Marx, "The Eighteenth Brumaire of Louis Bonaparte," *Marx-Engels Reader* (New York: Norton and Co, 1978), p. 187.
- 22 Benjamin, "Theses on the Philosophy of History," in *Illuminations*, ed. and intro. Hannah Arendt. Translated by Harry Zohn (New York: Harcourt, Brace and World, 1968), p. 260.
- 23 Simon Critchley, "On Derrida's *Specters of Marx*," *Philosophy and Social Criticism* 21: 3, 1995, pp. 85–96.
- 24 Derrida, "Différance," in *Margins of Philosophy*, p. 13.
- 25 Hegel, *Phenomenology of Spirit*, p. 9.
- 26 Laclau, "The Time is Out of Joint," in *Diacritics*, summer 1995, vol. 5, no. 2, p. 90.
- 27 Stella Gaon, "Politicizing Deconstruction: On Not Treating *Specters of Marx*," *Rethinking Marxism* 11: 2, 1999, pp. 38–48.
- 28 Derrida, "Différance," p. 11.
- 29 Benjamin never "develops" a notion of the messianic anywhere, but makes frequent reference to it. In his "Critique of Violence," for instance, the notion of the messianic he uses to distinguish between secular, human justice, and a Divine, timeless one, seems fairly standard (Benjamin 1968). On the other hand, his invocation of "time filled with the presence of the now [*Jetztzeit*]" – in which *jetztzeit* is clearly demarcated from *gegenwart* (time-thought-as-presence) – is remarkably like the notion of messianic time Derrida develops (Benjamin, *Illuminations*, p. 261).
- 30 This is one of the most important ways in which Derrida's thought must be distinguished from that of Adorno, for whom the "pledge" housed in the concept's non-identity is its "longing to become identical with the thing" (Adorno, *Negative Dialectics* p. 149).
- 31 Derrida, "Violence and Metaphysics: An Essay on the Thought of Emmanuel Levinas," from *Writing and Difference*, translated and with an introduction by Alan Bass (Chicago, Illinois: University of Chicago Press, 1978), p. 83.
- 32 Derrida, "Force of Law: The 'Mystical Foundation of Authority,'" in *Deconstruction and the Possibility of Justice*, ed. Drucilla Cornell, Michael Rosenfeld, and David Gary Carlson (New York: Routledge, 1992), p. 14.
- 33 Derrida, *The Gift of Death*, translated by David Wills (Chicago and London: University of Chicago Press, 1992), p. 8.
- 34 Derrida, "Force of Law," p. 28.

Mourning terminable and interminable: law and (commodity) fetishism

This only perhaps can be remarked, that hitherto the determination of quantity has been made to precede quality and this – as is mostly the case – for no given reason.

Hegel, *Science of Logic*

In the same way that quality transcended is quantity, quantity transcended is measure, measure transcended is essence, essence transcended is phenomenon, phenomenon transcended is actuality, actuality transcended is the concept, the concept transcended is objectivity, objectivity transcended is the absolute Idea, the absolute Idea transcended is nature, nature transcended is subjective spirit, subjective spirit transcended is the ethical objective Spirit, the ethical objective Spirit transcended is art, art transcended is religion, and religion transcended is absolute Knowledge.

Marx, 1844 *Manuscripts*

Leaps! Breaks in gradualness, Leaps! Leaps!

Lenin, *Conspectus of Hegel's Science of Logic*

In her 1995 memoir, Gillian Rose describes metaphysics most aptly as the perplexity of finding the path from the law of the concept to the purely particular. As she puts it, metaphysics is the task of finding the way between the *idea* of the nose to *this* stubbornly snub one. In the companion philosophical text to the memoir, Gillian Rose rails against what she perceives as postmodernism's *attack* on metaphysics, which is to say, postmodernism's attack on the task of finding that path. Because, on her view, postmodern thinkers believe that justice, freedom, and the good have not *lost* their metaphysical guarantee, but rather that they were never metaphysically guaranteed to begin with, the lost object which postmodernism mourns is, not gone, but was *always missing*. This has left postmodern theory in a state of interminable grief, a state in which mourning cannot work, and thus can never be completed.¹

Against this paralyzing melancholia, Rose proposes that we can invigorate politics with a different conception of the relationship between metaphysics,

ethics, and law. Specifically, her innovation is to think metaphysics – the impassable path from the universal to the particular – by way of Hegel’s narrative of becoming. On Hegel’s view, in the process of becoming-absolute, reason is forced by its own demand for grounds to confront the porousness of its own boundaries. Subjectively, this means that after having the epistemological stuffing knocked out of us again and again, we discover that the losses we confront are never *just* losses, but also moments of disorienting yet joyful reunion. While the path from the law of the concept to the peculiarity of the particular may be aporetic, *ethics* is the willed development of this impossible path, one that explores different routes towards “good enough justice.”² On this modified Hegelian view, ethics is the process of pursuing *metaphysics*; it involves “tarrying with the negative,” because in not shrinking from devastation and loss, what might emerge is a law that approaches justice. Mourning, here, is understood not just as the psychic demand to replace what was lost, but also as the important and painful psychic reconstruction that follows. It is a project or a work (one whose alibi is love) that might give rise to a law able to face both power and contingency without flinching. This is what Rose means when she says that “mourning becomes the law.”

In a wide variety of his writings (as we saw in the first chapter, and as we will encounter again in the next), Jacques Derrida also developed a complex articulation of metaphysics, ethics, politics, and law, one that also meditates on mourning and loss. Like Rose, he also suggested that mourning is another name for the *aporia* of metaphysics and, like Rose, he investigated how the path towards law – conceptual or positive – necessarily involves loss.³ It is striking, given these similarities, to note that whereas Rose dismisses deconstruction as “despairing rationalism without reason,” Derrida affirms it as “despairing messianism” without theology.⁴ This is because for Rose, to argue that there never were any metaphysical guarantees for the moral categories of modern political life is to give up on reason’s own hope, to rationally despair. For Derrida, on the other hand, to equate hope with waiting assuredly for the Messiah’s arrival would be nothing “but the calculation of a program” and would issue in “law without justice” (SM: 119). Thus, while one may be able to see that between Gillian Rose and Jacques Derrida there is what Rose describes as a “tight fit,” it is far from a comfortable one.⁵

In the next two chapters I explore what is at stake between these two visions of the relationship between loss, mourning, and the law. The present chapter begins by centering on a dispute between Rose and Derrida concerning Marx’s analysis of the commodity. Marx began that analysis, we remember, by looking at the commodity from two points of view: as a “use-value,” a *quality*, an object outside of us that satisfies our desires in some way, and as an “exchange-value,” a relation that appears, at first sight, to be *quantitative*. Rose insists that use-values have a kind of ontological status insofar as it’s possible to argue that, in a certain sense, there *was* an intact, self-identical *quality* prior to the object’s *quantification* or commodification – before the

"sensuous object" was thrown into the system of equivalences. It becomes most important to make that argument when talking about the commodity whose expenditure – like the proverbial goose that lays the golden egg – produces more value in being consumed than it takes to produce: namely, human labor power. Importantly for my purposes, because all commodities' quantification results from the flattening out, the abstraction (or killing) of the labor power congealed within them, there is, consequently, a "spirit" that emerges from that "death." On Derrida's reading of Marx, on the other hand, what is buried in the commodity must be understood to be *undead*: it is not a disembodied soul but a *specter*. It makes no sense to speak of an original, authentic qualitative object – a singular object, or a singular "moment" of laboring time – that became "lost" through the processes of commodification. Indeed, on his reading of Marx, the social practices of capitalist production themselves are what *produce* the illusion of a qualitative, self-identical object. Thus, mourning can never restore a "lost paradise" because it was never lost. More pointedly, Derrida's analysis suggests that mourning "abstraction" actually inscribes absolute loss *within the law itself*, whether that's within the law of appropriation governing capital, or within positive law.⁶ Insofar as mourning is thought's own gesture, meant to tidy up the remains of capitalization, in fact, it *covers over* or depoliticizes commodification, and so is, in fact, *complicit* with the very processes Rose decries. In short, I argue that Rose's reading of Marx ultimately *spiritualizes* law, whereas Derrida's *politicizes* it.

The haunting of the (qualitative?) commodity

Marx begins his analysis of bourgeois political economy with an analysis of its "most elementary form": the commodity. In the opening chapter of *Capital*, the curtain opens and a drama of Wagnerian proportions unfolds. Whereas on first glance this small and seemingly inconsequential object seems simply destined to satisfy human needs, Marx says that once it is understood as engaged in a "quantitative relation," as a *commodity*, it emerges that it "transcends sensuousness"; it is in excess to itself.⁷ What appeared to be simple sensuousness turns out to be *supra*-sensuous, "abounding in metaphysical subtleties and theological niceties" (C: 163). Indeed, on this view, commodities as plain as tables appear to be grotesquely haunted, dancing and spinning about on their own accord, moving themselves in a circuit of exchange.

The "enigmatic character" of the commodity, Marx tells us, "arises from the form itself," in which "the social characteristic of men's own labour," its quality and its conditions, is abstracted and congealed (C: 167). Labor itself – the commodity *par excellence* of capitalist social relations – is the source of commodities' movement. But because labor is abstracted and congealed in the commodity, we cannot or do not see that it is the source of the commodities' animation, and believe instead that the commodities themselves "go to

market." This is why, Marx says, "a definite social relation between men" – the social relations of production, reproduction, and exchange – "assumes in [our] eyes, the fantastic form of a relation between things" (C: 165). Because our own movement within society "has for us the form of a movement made by things," those things themselves, "far from being under our control, in fact control us" (C: 166).

The point of contention between Rose and Derrida emerges when Derrida suggests that the sensuous thing, the object that Marx analyses as both use and exchange-value, was never identical to itself as a sensuous thing. Derrida says that the thing's haunting does not *begin* when it becomes an exchange value, or when it enters into the dance of commodity exchange. Rather, Derrida says that the haunting or spectralization of the thing "began before the said exchange-value, at the threshold of the value of value in general." This is because, as he says, "the use-value" – the simple table waiting to enter into exchange – "is in advance contaminated, that is, pre-occupied, inhabited, haunted by its other" (SM: 161). Rose responds by saying that while Derrida is quite right to notice that the commodity *exchanged* is haunted by the laboring activity congealed within it, she goes on to say that "once *use value* is also conceived as 'phantasmagoric,' then the world of capital circulates among the crowds of dim and doubtfully real persons who are equally insubstantial whether they stand for wage-labour or the personification of the commodity."⁸ In other words, once *use value* is understood as a retrospective creation, as Derrida proposes, one loses the entire point of Marx's analysis that goes to show that the commodification of human labor power is precisely the condition for all commodities *as commodities* in the first place.

What Derrida is pointing to – which infuriates Rose – is a fundamental *undecidability* at work in Marx's analysis of the commodity. What is undecidable is whether the commodity emerges before or after the process of "capitalization." On Derrida's reading, Marx's writing suggests two contradictory things at once: both that the table stands quietly as a use-value until it enters into exchange, *and* that the commodity's valuation *precedes* even its vocation or iteration as a "use-value." Derrida says that while Marx does seem to imply that there was an original "use-value purified of everything that makes for exchange value," this itself suggests that there was a commodity *form before itself*, for without that commodity form there would be no way that the object could "be identified throughout its repetitions" (SM: 160). Derrida's point is that if you read Marx carefully, the status of the commodity is equivocal: on one reading, the simple quality emerges as a commodity – which is to say, as a quantitative relation – *only* with its exchange. On another reading, the object is "commodified" in a strange sense *prior* to its commodification. On its face, of course, this makes no sense, for one must decide, one must have already decided, whether the commodity came before or after its exchange in order to know what the process of commodification *is*.

In order to understand Derrida's point, we have to see that in a certain sense there are two modes of commodification at work in Marx's analysis that are not equivalent. There are two modes of abstraction that produce the object as exchange *and* as use value. The first is simply idealization or abstraction itself; indeed, this mode of commodification is what Marx calls the commodity-*form*. To imagine that the table once sat quietly, identical to itself, or that there was a unique "moment" congealed as "labor time" is to cover over the question of how those things or events – those "singularities" if you will – became representable, intelligible, or recognizable as "things" or "events" at all. It is to assume an "experience" of self-identity or of singularity. But Derrida points out that "the only experience the singular can have is [an] experience of loss." In its original "iteration" as a "table" or as "laboring activity," both the object and the subjective determinants of value were *already* lost. As Derrida says,

In its original iterability, a use-value ... is thrown onto the market of equivalences. This is not simply a bad thing, even if the use-value is always *at risk* of losing its soul in the commodity. The commodity is a "born cynic" because it effaces differences, but although it is congenitally levelling, this original cynicism was already being prepared in use-value, in the wooden head of that dog standing, like a table, on its four paws.

(SM: 160)

This is precisely why this experience of loss – the only experience possible for any singularity – is also "the possibility of capital." In the very second that a singular thing or event is thrown on the market of equivalences, in the moment it is identified as *something* which may or may not be valuable, it has already lost itself. This is because, as he points out, in order for *anything* to be regarded or understood as useful, it is, in effect, understood as useful *for another*, or for *another time*; this is precisely what its usefulness consists of. Indeed, in this regard Derrida quotes Marx, who says, "commodities must be realized as values before they can be realized as use-values."⁹ Because commodities must be realized as values before they can be use-values, Derrida argues, "Just as there is no pure use there is no use *value* which the possibility of exchange and commerce has not in advance inscribed as an *out of use*" (SM: 160). (I will return shortly to this out-of-useness.)

The second mode of commodification is the one with which we are more familiar. It is the process by which things or events are quantified, flattened, where the unequal is made equivalent. It is the process by which each use value "loses its soul." But if we understand Derrida's point, Marx has always argued against the illusion that a "soul" might be trapped in the commodity, the illusion that the object might have once been a simple use-value, which it has sadly lost. Indeed, among the most vital arguments that Marx makes in *Capital* is that while political economy is the science whose question is "what is value?" it works *with* the hall of mirrors thrown up by capitalist social

relations to the extent that it imagines that "value" inheres in commodities themselves. Indeed, Marx famously anthropomorphizes commodities, suggesting that, were they able to speak, they would tell us themselves that, "our use-value may interest men but it does not belong to us as objects" (C: 176). The use-value – the substance of value – does not *inhere* in the object, even though the usefulness of the object is "the physical body of the commodity itself ... which is the use-value or useful thing" (C: 126).

Indeed, in the opening pages of *Capital*, Marx is working hard to combat the impression that we are presented by a simple body – a use-value – and an *external* exchange value. As he says, the "exchange value appears first of all ... as the proportion in which use-values of one kind exchange for use-values of another kind." Because this proportion is constantly changing – the exchange value of any given object is never constant – "exchange value appears to be something accidental and purely relative" (C: 130).

What, then, is the value that is the *proper* property of commodities? This, of course, is the socially necessary labor time it requires to produce them. For under conditions of generalized commodity production, a product of labor is, for its *seller*, merely a value-equivalent for some portion of the remainder of the total social product that s/he may subsequently purchase. Under generalized commodity production, in other words, any table I may make is useful to me only insofar as it represents other commodities or goods I might need. It is useful to me as an *exchange value*, but not a use-value. On the other hand, in order for it to fulfill its function of value-equivalence for me, the product must prove itself to be endowed with the physical properties which make it a use-value at all – namely *for someone else*, or, as I just pointed out, *for another time*. Once the product of labor has acquired this second "social objectivity" of being a value, it is then the physical objects themselves that bear this social form that thereby acquire the attribute of exchangeability in regular proportions. It is this coincidence of social form and physical thing that is the basis for the "fetishism of commodities."

Combating the illusion created by the fetishism of commodities is the task of science. Specifically, Marx tells us "reflection on the forms of human life, hence also scientific analysis of those forms, takes a course directly opposite to their real development. Reflection begins *post festum*, and therefore with the results of development ready to hand" (C: 168). The mysterious animated appearance of the commodity results from the retrospective appearance of a "use-value" that is produced (as originary) only after the commodity is realized as a value in general (and therefore animate). The "use-value" – the inert, pre-animated body – is an original *that never was*.

In order to make sense of the retrospective nature of the "plain" and "homely" form of commodities – their appearance *post-festum*, so to speak, as use-values – it is important to remember that Marx made it clear that the mysterious and enigmatic character of the commodity emerges only when observed as an exchange value (C: 138). The mysterious character of the

commodity form, Marx says, "consists simply in the fact that the commodity reflects the social characteristics of men's own labour as objective characteristics of the products of labour themselves, as the socio-natural properties of these things" (C: 164–65). The commodity, as Derrida points out, is a kind of mirror that cannot reflect back "those who are looking for themselves in it." When we look at a commodity, what we see instead is its value "branded on its forehead," misrecognizing the price as the marker of value as a quasi-natural property of those things themselves (C: 167).

To analyze this, Marx tells us that we must first notice that "all different kinds of private labour ... are continually being reduced to the quantitative proportions in which society requires them" (C: 168). He seems to suggest, in other words, that one might be able to identify a relatively simple *difference* between labor's quality and its quantity simply by calculating what is left over once we subtract the qualitative laboring activity from the product. He seems to imply that one could, in fact, identify a simple *quantity* of laboring energy that remained as a residue in the wake of its utility. For instance, he says:

Let us ... look at the residue of the products of labour. There is nothing left in them in each case but the same phantom-like objectivity: they are merely congealed quantities of homogenous human labour, i.e. of human labour power expended without regard to the form of its expenditure. All these things now tell us is that human labour power has been expended to produce them, human labour power is accumulated in them. As crystals of this social substance, which is common to them all, they are values – commodity values.¹⁰

Significantly, moreover, Marx almost always qualifies his references to the residue or remains of labor's product by suggesting that its objectivity – what is most often called its materiality – is not a thing but a "phantom." As he says:

If we leave aside the determinate *quality* of productive activity, and therefore the useful character of the labour, what remains is its quality of being an expenditure of human labour power. Tailoring and weaving, although they are qualitatively different productive activities, are both a productive expenditure of human brains, muscles, nerves, hands etc.¹¹

The "phantom-like" objectivity to which Marx refers is neither a substantive entity, nor a mere expenditure of physical energy, but rather what Derrida might call a trace or the remains; it is what is *retroactively* produced by the object's commodification. It is its "out-of-useness." Listen carefully to Marx's language:

If we ... disregard the use-value of commodities, only one property remains, that of being products of labour ... If we make abstraction from

its use-value, we also abstract from the material constituents and forms which make it a use-value. It is no longer a table, a house, a piece of yarn or any other useful thing. All its sensuous characteristics are extinguished. (C: 128)

The conditional language – “if we abstract” or “if we disregard” – is precisely what alerts us to the fictional nature of the simple qualitative object or simple qualitative laboring power, which might be thought to be waiting to lose its soul in its exchange. Marx’s logic here is retrospective; he is quite clear that we can only speak of a table, house, piece of yarn, or any other useful thing as sensuous self-identical entities, as use-values, *if* we abstract from the process that produces them in the first place. Thus, Derrida points out that:

[l]ike every thing, from the moment it comes onto the stage of a market, the table resembles a *prosthesis* of itself ... Two genres, two generations of movement intersect with each other in it, and that is why it figures the apparition of a specter. It accumulates undecidably, in its uncanniness, their contradictory predicates: the inert thing appears suddenly *inspired*, it is all at once transfixed by a *pneuma* or a *psyche*. Become like a living being, the table resembles a prophetic dog that gets up on its four paws, ready to face up to its fellow dogs: an idol would like to make the law. But, inversely, the spirit, soul or life that animates it remains caught in the opaque and heavy thingness of the *hulé*, in the inert thickness of its ligneous body. ... The Thing is neither dead nor alive, it is dead and alive at the same time. It survives.

(SM: 154)

Each commodity only *resembles* a prosthesis of itself because the original self-identity is a retrospective fiction; it is a kind of fantasy which compensates for what was never truly lost. A prosthesis or a fetish – as much as on the Marxian as on the Freudian or Hegelian view – acts to replace what was *never lost*; it is a compensatory reinstatement of an imaginary unity.

In short, the “use-value” is how commodities “must appear.” Here, it is instructive to think again about what Marx has to say about the difference between “appearance” and science.

The philistine’s and vulgar economists’ way of looking at things stems from ... the fact that it is only the direct form of manifestation of relations that is reflected in their brains and not their inner connection. Incidentally, if the latter were the case what need would there be of science?¹²

The “two genres,” or “generations of movement” which intersect within the commodity, are the “social” “social relations” which bind human beings together (as associated, if alienated producers), on the one hand, and those

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"social relations" which bind the commodity-things together, on the other (SM: 154).

Because, for Rose, it is possible to speak of an object, a use-value which was once identical to itself, unmarked by the "dead labor time" or abstraction melancholically interred within it, because the commodity only becomes commodified, if you will, when it goes to market, mourning can undo the damage of that abstraction; it can restore the object to its previous incarnation as a qualitative object, quietly identical to itself. On Derrida's analysis, in contrast, to mourn the "dead" labor time trapped in the commodity – the unconscious source of its value – is to mourn its out of use-ness or its remains. It is to tidy up the process of repetition known as capitalization. What is interred in the commodity is not "alive," nor is it fully dead. It is a specter – an undead or congealed abstraction. Mourning this "specter" does not "bring it back to life," but covers over its death *as abstraction*. The significance of this difference comes into view once we look more closely at the question of the difference between "quality" and "quantity."

"Breaks in gradualness, leaps!"

The relationship between Western Marxism and Hegel was immeasurably changed when Lenin declared in 1914 that "[i]t is impossible to fully grasp Marx's *Capital*, and especially its first chapter, if you have not studied through and through the whole of Hegel's *Logic*. Consequently none of the Marxists for the past half-century have understood Marx!"¹³ While all of the implications of Lenin's reflections on the *Science of Logic* lie outside of the scope of this work, it is useful for my purposes to remember the circumstances under which he made this study. This was the declaration of war credits by national legislatures, dominated by "socialist" members of the Second International. Whereas French and German socialists had voted overwhelmingly at the 1907 and 1912 congresses of the Second International to oppose any imperialist war carried out by their bourgeois governments, in 1914 they voted within their own parliaments to face their "comrades" as enemies. Thus, national European socialist parties who had been members of the Second International voted to send their "international" proletarians to fight each other along (bourgeois) nationalist lines. After being initially convinced that the declaration of war credits was a forgery, Lenin went to neutral Switzerland to reflect on this devastating defeat. He decided that it was imperative to return to Marx's early roots in Hegel in order to discover the flaw in the Second Internationalists' thinking.

Lenin spent many months in the library in Bern, writing hundreds of pages of notes on Hegel's writings, especially the *Science of Logic*.¹⁴ These notes were eventually compiled as his *Philosophical Notebooks*.¹⁵ Lenin's writings on the *Logic* are notoriously epigrammatic and unfinished, not having been prepared for publication. Nonetheless, these writings (arguably) formed the

basis for a series of new debates and disputes within Western Marxism. As Kevin Anderson argues:

The significance of Lenin's Hegel studies has been hotly debated for many years ... [These writings] show how completely he reorganized his conception of the relationship between the materialistic or economic forces and the human subjective forces, the relationship between science and human activity.¹⁶

As I will argue here, Lenin's writings inaugurated a dispute concerning the *political* question of gradualism, and the *philosophical* question of how it is that "the new" comes about. These debates, as we shall see, bear directly on the debate between Gillian Rose and Jacques Derrida concerning the nature of the commodity, insofar as they treat at a more general level the very question of what Derrida and Rose treat in the more narrow context of mourning and the law.

The dialectic of *Capital* and the Science of Logic

Hegel's great achievement, outlined in the *Science of Logic*, is the discovery of a method for tracing the necessary inner connections among the basic concepts of self-determining objects such as Being, Nothingness, Quality, Quantity, and so on. Hegel begins with the most abstract determinant of these objects, submitting it to a process of negation that gradually destabilizes each category, forcing it to become exorbitant to itself. Through this process, the starting "empty" or abstract category becomes filled in by all other categories that on first sight seemed opposed to it, and objective knowledge – or closure – is established. In the first book of the *Science of Logic* – "The Doctrine of Being" – to which Lenin first turns, Hegel famously begins with Being, and he begins with Being's most abstract determinant. The process of negation which thought undergoes gives us three "grades" of Being: quality, quantity, and measure. Quality is Being itself, the quality of Being is quality, whereas quantity is a character (seemingly) external to that of Being, which does not affect it at all. Measure, the third grade of being, is, as Hegel says, "the unity of the first two."¹⁷

What he means by this is, of course, the object of debate, but to begin our investigation here, it is useful to remember that Being, for Hegel, is without determination. Pure Being, that is, pure immediacy, is "equal only to itself." It has "no diversity within itself, nor any with a reference outwards ... It is pure indeterminateness and emptiness."¹⁸ Consequently, the movement from pure quality to quantity necessarily involves a movement from *undetermination* to determination.

As soon as any coming-together, any relation or event sees itself in some relation to some other such event, as soon as we have begun to talk about a

number of such groups or such events, then something new has already developed. This is what Hegel calls quantity. Some relation-to-other exists. That is, we see a number of different events, different groups, different people which may now be more or less of a certain quality. What Hegel shows in his critique of the formal conception which separates concepts like "quality" and "quantity" as absolutely distinct concepts is that as soon as we have a number of something, that is in itself a *new something*. As Hegel explains this in the *Lesser Logic*:

Quantity by means of the dialectical movement ... turns out to be a return to quality ... quantity seemed an external character not identical with Being ... as what can be increased or diminished ... We can, however, complete the definition by adding, that in quantity we have an alterable, which in spite of alterations still remains the same. The notion of quantity, it thus turns out, implies an inherent contradiction. This contradiction is what forms the dialectic of quantity. The result of the dialectic however is not a mere return to quality, as if that were the true and quantity the false notion, but an advance to the unity and truth of both, to qualitative quantity, or Measure.¹⁹

What Hegel is getting at here is that at a certain point, when a group of houses is found together, we no longer have an increase in quantity, but a new quality – say, a village – has emerged. We must agree that something *has happened*. The point which Hegel calls "measure," then, is the point where quantities of qualities build up to make a new quality; it is the point at which something must be said to have happened. His most famous description of this phenomenon is worth citing at length:

Water, when its temperature is altered does not merely get more or less hot but passes through from the liquid into either the solid or gaseous states; these states do not appear gradually; on the contrary, each new state appears as a leap, suddenly interrupting and checking the gradual succession of temperature changes at these points. Every birth and death, far from being a progressive gradualness, is an interruption of it and is the leap from a quantitative into a qualitative alteration ... In thinking about the gradualness of the coming-to-be of something, it is generally assumed that what comes to be is already sensibly or actually in existence; it is not yet perceptible only because of its smallness ... The attempt to explain coming-to-be or ceasing-to-be on the basis of the gradualness of the alteration is tedious like any tautology ... The intellectual difficulty attendant on such an attempted explanation comes from the qualitative transition from something into its other in general, and then into its opposite; but the identity and the alteration are misrepresented as the indifferent, external determinations of the quantitative sphere.²⁰

Here, Hegel is describing a phenomenon that he points to in each of his philosophical systems. For instance, in the *Philosophy of History* he says, "the changes that take place in Nature – how infinitely manifold soever they may be – exhibit only a perpetually self-repeating cycle; in Nature there happens 'nothing new under the sun.'" In fact, he says that "only in those changes which take place in the realm of Spirit does anything new arise."²¹ In order for something new to arise, changes must repeat *differentially*.

The significance of this difference comes into view when we look more carefully at the phenomenon of mourning. On the psychoanalytic view, mourning is understood to be the incorporation and eventual displacement of the emotional investment in singular, irreplaceable lost objects. It emerges from a demand from the ego: get back what one has given away. Analogously, on a non-psychoanalytic account, mourning can be understood as the social process by which death is spiritualized; it is the process of honoring and dignifying the bodily remains of the dead so that they might be returned to the spiritual/abstract order of universality. On either view, therefore, it emerges that mourning's work is to abolish the irreplaceability, the singularity of the singular. On this view, the success of mourning means the *death* or the end of singularity. It is the gesture that lets go, or "moves on," from this singular being to another one.

This process can be compared to that attending melancholia. One might say, indeed, that to explain the displacement of emotional investment in terms of mourning is to explain coming to be, or ceasing to be, on the basis of the gradualness of the "alteration." (Mourning the loss in the move from quality to quantity – and indeed, from quantity back to quality – covers over the moment of political contestation or contestability.)

The haunting of the law

On a certain view, Gillian Rose is quite correct when she argues that mourning – the process of working through, letting go of the irreplaceability or singularity of the singular – becomes the law. She is quite correct, in other words, when she says that mourning enhances or opens the law. She is correct, too, when she argues that mourning is a process that enlarges reason, but it does not, as she also argues, make reason "big hearted." For mourning is thought's own gesture, whose aim is to tidy up the remainder between structures of repetition – like capitalism, language, law, or philosophy itself – on the one hand, and the infinite variability of the world, on the other.

Mourning is the process by which the singular thing or event is rendered intelligible to the law, and thus entered into exchange. But it is also the process by which what is necessarily lost in the path from the universal to the purely particular is covered over or buried. Thus, while mourning may very well be necessary for the function of law, not only does it not guarantee justice, it covers over the very moment of political contestation. Mourning may

indeed "become" the law, but this process does not guarantee justice. On the contrary, it is the process which makes law's reach to justice impossible.

In order to clarify this point, it is useful to remember Derrida's striking argument that justice must be thought as the necessary but impossible encounter between universalizing law, on the one hand, and the unique case, on the other. Justice must be thought this way because, as Derrida points out, the peculiar nature of a notion like justice is that it refers to the adequation between a thing and its ideal, the coming together of what is said, on the one hand, and what that saying promises, on the other. Thus, justice cannot be conceptualized as an ideal for law, but is, rather, in a strange sense, the condition of possibility for *all ideality* or idealization itself. On this view, insofar as law announces itself as a rule designed for all and any circumstances, to do justice to the *law*, the absolutely unique case must come before a law designed exclusively for it.

An encounter so described, however, is logically impossible. For while the law "always aims at the singular" (as Derrida says, this is its "promise and its destination"), it also necessarily generalizes, and consequently it does a kind of violence to the singular.²² It is in this regard that Derrida speaks of the "force of law," a force which is most powerfully demonstrated by the necessarily violent nature of judgment. Because each case is unique, each application of the law is, in effect, the *remaking* of the law, a remaking which is neither authorized nor fully de-authorized by law. In other words, because judgment is both the conservation and the destruction of the law, in the *moment* of judgment, the law is both "regulated and *unregulated*" (FL: 23). At the moment when the law is remade to fit the case that comes before it – when the law strains to fulfill itself and thus to do justice – the law is, in fact, suspended. To the extent that it is unauthorized, then, the law is simply *force*. It follows from this paradox, Derrida says, "that there is never a moment that we can say *in the present* that a decision is just" (FL: 23). And it is precisely this force that Rose refuses to acknowledge in her understanding of ethics as the willed development of the impossible path from the purely particular to the universal, that is, in her advocacy of a certain metaphysics.

In a vernacular perhaps more familiar to legal scholars, no instance of infraction against the law is ever ideally suited to the law that it encounters, nor is the law ever ideally suited to every possible case to which it might apply. Without deciding what the singular *is* – for instance, by interpreting this singular case in terms of previously decided cases that render it into a broader vernacular – the singular case or infraction would remain unintelligible. The interpretation of any singular event or thing, then, newly names into being what had previously been undecidable and thus un-recognizable.

In this process, the *singularity* of the singular is lost. Between the singular case and the universal law there is always an unassimilable remainder: a remains. This remainder is politically important because the decision of what a singular event or thing *is*, the moment of interpretation, is precisely the

moment of force. For that reason, it is also the moment that can be politically contested. Exactly what that political contestation might be, however, is by definition infinitely open. For what those singular events might be – how they will be idealized, how they will thus be rendered intelligible, and what kind of violence we might say has thus been done to them – cannot be determined in advance.

The singularity of the singular, like the value of the commodity prior to its commodification, and like the quality of labor that is left over – its quality as an “expenditure of human labor power” – is precisely what has not yet been appropriated, taken up or re-presented through processes of idealization like law, philosophy, or language. Our *experience* of the singular, then, is of a radical or absolute alterity. As it cannot have happened yet, we cannot know, anticipate, or foreclose it by what Ernesto Laclau calls “any *a prioristic* discourse.” Thus, the encounter between law and the singular case – justice – is always coming. What is explosive about Derrida’s insight is that this coming is not in the future present – as a Kantian ideal, a messianic promise, or some other horizon – but is rather always-already: *here-now*. This is the despairing messianism to which I referred earlier. One does not wait with hope for the Messiah, for that would be “calculation.” For as Derrida points out, the “present” can only be collected, organized, gathered into being and imagined retrospectively. It is only ever afterwards, when the event has already happened, that we may say “it *is*.” While the singular event or thing, to be possible, must be “to-come,” it can only be known once it has happened. Thus, the promise of law, like the promise of the use-value which animates the commodity, is this: ‘what cannot be known or experienced is coming, but its coming is not *not-yet*, but rather *already*.’

The gap between the “not-yet” and the “already” is precisely “the moment of suspense” within which “juridico-political revolutions take place” (FL: 20). This suspension or opening of the law – what Hegel would call the measure of quality and quantity – *is* justice. It bears pointing out that, paradoxically, justice is what “happens” (impossibly) when the law is most perilously balanced: over an abyss. This “moment of suspense” – the opening of the law – happens *impossibly* not because we have reconstructed a law “able to face both power and contingency,” but on the contrary, because it is not really a “moment” at all. Because all events – including the law’s suspension – are always “not-yet” or “already,” the opening of the law never “appears” in a moment we can identify as “now.” Strictly speaking, then, justice can never be experienced. To reconstruct it through the work of mourning, as Rose advocates, is thus to deny rather than to affirm the *aporia* of law, precisely when its stakes are most high.

The impossibility of this experience is significant because it points towards the dual nature of law’s opening. On the one hand, justice “happens” when the law is transformed to accommodate the singular: what it has never encountered before. On the other hand, the suspension of the law is also necessarily a

moment of arbitrary judgment; it is the moment when what was "to-come" is rendered "always-already" through a *coup de force*. Thus, not only is the law transformed, so too is the *singularity* of the singular event or thing which is ushered into meaning. For in order to have an experience of the event or thing, what was "to-come" – or in Derrida's language, *undecided* and undecidable – must be determined to be a "being" which was "always-already." This is precisely how the singular is smuggled into the law. The singular that was undecidable is determined or decided, and thus introduced into a process of idealization. While "justice" is what "happens" when the law opens and transforms itself to admit a case which is unique, this opening also always entails a violence to the uniqueness of that case.

Thus, the promise of the law – for Rose as much as for Derrida – is that it will extend to the singular. But if mourning is the assimilation of the singular, and if, as Rose insists, law is the outcome of mourning, then the law can never fulfill its promise. Insofar as mourning *succeeds* and gets rid of the singular, in other words, the law *must* fail. For, if singularity is abolished, the law, whose address is the singular, can never be concretized, never applied, never guaranteed, never made just. If mourning succeeds, therefore, the law clearly cannot. This is the *aporia* of law. The process which guarantees the law – mourning – is precisely the process whose completion makes the success or legitimacy of law – its reach to the singular – impossible. In order for justice – the meeting of the singular and the universal – to appear to happen (for it is, strictly speaking, impossible) the singular must disappear into the particular, the particular that is always already universal.

On this view, the very melancholia which Rose ascribes to post-structuralism, what Rebecca Comay has called "that unappeasable attachment to an ungrievable loss," turns out to be a fidelity to the specter which haunts the commodity or which haunts the law. Deconstruction as a kind of interminable mourning, then, turns out to be gesture which opens law up to political contestation, to its interminable task.

Notes

1 Gillian Rose, *Love's Work: A Reckoning with Life* (New York: Schocken, 1995), p. 124; Gillian Rose, *Mourning Becomes the Law: Philosophy and Representation* (Cambridge: Cambridge University Press, 1996), p. 7.

2 Rose, *Love's Work*, p. 124.

3 See Jacques Derrida, *The Work of Mourning*, edited and translated by Pascale-Anne Brault and Michael Naas (Chicago, Illinois: University of Chicago Press, 2003); Jacques Derrida, *Specters of Marx: The State of the Debt, The Work of Mourning and the New International*, translated by Peggy Kamuf (New York and London: Routledge, 1994), hereafter marked in parentheses with the designation (SM); *The Gift of Death*, translated by David Mills (Chicago, Illinois: University of Chicago Press, 1996); among many others.

4 Rose, *Mourning Becomes the Law*, p. 7. Derrida, *Specters of Marx*, p. 169. Indeed, Derrida asks if it is possible to conceive of an "atheological heritage of the messianic?" *Ibid.*, 168.

- 5 Rose, *Mourning Becomes the Law*, p. 12.
- 6 I investigate the process by which mourning comes to cover over a process of "absolute loss" again in the next chapter.
- 7 Karl Marx, *Capital*, vol. 1, translated by Ben Fowkes, introduced by Ernest Mandel (New York: Vintage, 1977), p. 163. Hereafter, marked in parentheses with the designation (C).
- 8 Gillian Rose, *Mourning Becomes the Law*, p. 67. Indeed, surprisingly, but for reasons which I hope will become apparent, Rose goes on to say that Derrida entirely neglects Marx's materialism and his reading of Hegel's *Science of Logic*, translated by A.V. Miller (New Jersey: Humanities Press International, 1999).
- 9 Derrida, *Specters of Marx*, citing *Capital*, p. 179.
- 10 Ibid., p. 128.
- 11 Marx, *Capital*, vol. 1, p. 134.
- 12 Marx, *Capital*, vol. 3 (New York: International Publishers, 1967), p. 817
- 13 Vladimir Lenin, *Philosophical Notebooks* (Moscow: Foreign Languages Publishing House, 1961), vol. 38, Complete Works, p. 340.
- 14 It is tempting to contrast this picture of Lenin, feverishly studying Hegel while Europe burns, with that of Marx, feverishly studying the nineteenth-century political economists in London, while European society erupted.
- 15 There are numerous interpretations of Lenin, his role in the history of Western Marxism and the place of his reading of Hegel on that role. For one important interpretation, see Tony Cliff, *Lenin* (London: Pluto, 1975–79). Indeed, the story of how it is that Lenin's notes became compiled to form his *Philosophical Notebooks* is itself a fascinating one that enters us into the terrain of Leninology typical of a certain moment in Soviet politics. For more on this story, see Kevin Anderson, *Lenin, Hegel and Western Marxism: A Critical Study* (Chicago, Illinois: University of Illinois Press, 1995).
- 16 Anderson, *Lenin, Hegel and Western Marxism*, p. 6.
- 17 Hegel, *Lesser Logic*, with Forward by J.M. Findlay, translated by William Wallace (London: Clarendon Press, 1975). www.marxists.org/reference/archive/hegel/works/sl/slbeing.htm (accessed 2008), para. 85n.
- 18 Hegel, *Hegel's Science of Logic*, translated by A.V. Miller (New Jersey: Humanities Press International, 1999), p. 82.
- 19 Hegel, *Lesser Logic*, para. 106n.
- 20 Hegel, *Science of Logic*, p. 370.
- 21 Hegel, *Introduction to the Lectures on the Philosophy of History*, translated by T.M. Knox and A.V. Miller (Oxford: Oxford University Press, 2003), p. 54.
- 22 Jacques Derrida, "Force of Law: The 'Mystical Foundation of Authority,'" in *Deconstruction and the Possibility of Justice*, ed. Drucilla Cornell, Michael Rosenfeld, and David Gary Carlson (New York: Routledge, 1992), p. 20. Hereafter designated in parentheses with the designation (FL).

Justice and the impossibility of mourning: Antigone's singular act

We shall never be finished with the reading or re-reading of the Hegelian text, and, in a certain way, I do nothing but try to explain myself on this point. In effect, I believe Hegel's text is necessarily fissured; that it is something more and other than the circular closure of its representation.

Jacques Derrida, *Positions*, 1981, p. 85

It seems to me that the category of encircling exclusion, of exclusion enclosing what it wants to neutralize or cast out, to put out of commission and to exile {hors d'état} (logic of the pharmakos) has political pertinence or efficacy only if one articulates these two things: on the one hand, a historical analysis or description of the elements traditionally filed under the category of the "political" (State, power, police, army, institutions, socio-economic power relations, and so forth) which in general has been done, up till now and so far as I know, following pre-psychoanalytic paths and conceptuality; and on the other hand, an analysis that reckons, at least in principle, with the psychoanalytic problematic ... I would look in the direction of the processes of mourning, of incorporative exclusion, of another topical structure of repression and suppression ... without which one will never understand anything about the history of power, police, institutions and so forth ... But of course one must politicize the topical structure of mourning, not by means of artificial application or varnishing, but with the help of rigorous concepts and through psychoanalytical-and-political practice.

Jacques Derrida, "Ja, or the faux-bond," 1995, p. 33

As the last chapter began to investigate, Derrida's intervention in the field of legal studies effected nothing less than a sea-change in philosophical approaches to law. Margaret Davies argues:

When I was in the final stages of my doctoral work ... at the University of Sussex, an edition of the *Cordoza Law Review* appeared which was to alter radically the shape of contemporary 'postmodern'-inspired legal theory. The edition, of course, contained the text of Derrida's "Force of Law: The Mystical Foundations of Authority" as well as an influential commentary on Derrida by Drucilla Cornell ... [W]ith these publications a new space was opened in English-language legal theory.¹

Davies goes on to argue that the most exciting and innovative dimension of Derrida's analysis of law is that it re-poses the relationship between positive law, on the one hand, and natural law, or justice, on the other.² For whereas legal theory traditionally understands "justice" – which is opposed to positive or given law – to inhere in God or nature, as I just reviewed in the last chapter, on Derrida's view, justice is neither rooted in the divine nor in human nature, but rather must be thought as the encounter between universal law and the absolutely unique "case." However, as we also just reviewed, an encounter so described is logically impossible. Any unique case is inevitably truncated in its encounter with the law, or, in a vernacular perhaps more familiar to legal scholars, no instance of infraction against the law is ever ideally suited to the law which it encounters.

While this elaboration of the necessary non-coincidence of the law with justice is a striking contribution to the field of critical legal theory, even more importantly, Derrida claims that not only is justice necessarily non-coincident with *law*, justice is necessarily non-coincident with *itself*. This point is crucial. As we saw in the last chapter, for Derrida the concept of "justice" displays a necessary "out-of-jointness." However, while the fit between the singular case and the universal law is always inadequate, *justice happens anyway*. While the structural dimensions of experience and signification mean that justice is always coming, this coming is not in the future present, but is rather always-already: here-now. "Justice" is the promise whose coming is announced in all signification; it is the promise that what is said will be realized. Justice is Derrida's name for the opening of thought, signification, or philosophy, which, as I demonstrated in Chapters 1 and 2, is a structural condition of possibility for signification itself. Thus, the promise that the law will be just is inherent to the nature of signification that, in naming "law," promises a rule that covers all possible contingencies. And the promise that "justice" refers to the adequation between what is promised and what is delivered is inherent to the same signifiatory system. In short, the *distinction* between justice and the law occurs within what Derrida might refer to as a generalized economy of "justice," an economy of signification that is governed by a belief in the promise.

This form of analysis is certainly familiar to those feminists who have found deconstruction useful for illuminating theories of sexual difference. Indeed, from Luce Irigaray's groundbreaking work on the way that the male-female distinction is deconstructed by the feminine, to Judith Butler's brilliant insight that the sex-gender distinction necessarily *relies* on a prior heterosexual matrix, feminists have put deconstructive analyses to important use.³ However, while many feminists have made use of deconstruction in order to theorize sexual difference, and many legal theorists have found Derrida's deconstruction of the law-justice dichotomy to be fruitful, the Derridean analysis of law has rarely been linked to an analysis of sex.⁴ In this chapter, then, what I propose to do is to turn to the moment in Derrida's text that brings the relationship of justice and law together with an analysis of sexual

difference: Derrida's dazzling reading of a pivotal section of Hegel's *Phenomenology of Spirit*. Specifically, what I want to suggest is that among the most potent insights that a deconstructive mode of analysis can bring to critical legal studies is that the traditional law–justice distinction leans heavily on a fantasy of sexual complementarity. More pointedly, in this chapter and again in the next, I will argue that the traditional justice–law distinction relies upon a fantasy of heterosexuality as *natural*.

In order to bear out my argument, I re-introduce Derrida's massive work, *Glas*, which is organized around an investigation into Hegel's theory of the family. As I have already gone to some lengths to show, Derrida's reading of Hegel's text is preoccupied, not with its systematicity, but, rather, as the epigraph to this chapter states, with the cracks in that system, its *fissures*. And as I will demonstrate here, the reading of Hegel's text that Derrida undertakes in *Glas* centers on how the family is a moment of rupture in and of Hegel's system. More precisely, Derrida's reading gives a privileged place to Hegel's exploration of what he considers to be the tragic clash between the "divine law of the family" and the "human law of the state." Hegel's preoccupation with this clash is illustrated through a recurring reference to Sophocles' great tragic play documenting the life of the Greek mythological character Antigone. To avoid tragedy, the law of the family and that of the state must be understood, Hegel argues, not as opposed, but rather in a relation of dialectical *contradiction*. Thus, the second part of this chapter takes a necessary detour through Hegel's theory of speculative or absolute reflection, what Hegel at different points called the "law of law."

In the third part of this chapter, I return to Derrida's reading of a pivotal moment in *The Phenomenology of Spirit* in *Glas*, in order to demonstrate the precise way that Hegel's system manages to simultaneously rely upon an "unassimilable" singular, and cover it over. Hegel's sleight of hand here is to replace a necessary logical philosophical step with the figure of a mourning woman: Antigone. The "remainder" of the encounter between the universal law and the singular case – that which cannot be entirely absorbed by universalization – is literally disposed of, in the Hegelian text, through a figural representation of burial. In this sense, "mourning" is the name for the process which *makes possible* the impossible encounter between the universal language of law and the thoroughly idiomatic nature of "justice." Indeed, I argue that, for Hegel, the process of mourning is simultaneously the condition of possibility and *impossibility* for the law. In other words, in Hegel's text, mourning both makes law possible and marks its constitutive failure. The fourth moment of this chapter explores the relationship between Derrida's understanding of mourning and Hegel's notion of speculative dialectics, both of which "only succeeds in/by failing."⁵ More precisely, Derrida points to the way that Hegel articulates the relationship between the masculine law of the *polis* and the feminine law of the family through the crucial operation of mourning. On this basis, what I will argue is that a fantasy of sexual

complementarity – of heterosexuality – is not incidental to the law–justice distinction but goes “all the way down.”

Glas and the family

Before undertaking my argument, a few comments about *Glas*, which has properly been called an “anti-book,” are germane.⁶ For, notwithstanding most reactions to this text – Richard Rorty, for example, marks it as the moment when Derrida departs from “serious” or public philosophy, and descends into “private” or poetic fantasy – it must be stressed that the Hegel column is a closely argued commentary on Hegel. While most of the Hegel column involves unusually long quotations from the *Philosophy of Right* and the *Phenomenology of Spirit*, it also involves commentary on the *Logic*, the *Early Theological Writings*, the *Differenzschrift*, and *Faith and Knowledge*. Derrida’s style here is to read seemingly marginal moments of the text – such as a comment about “flower” religion from the *Phenomenology*, and a remark about Indian phallic columns in *The Aesthetics* – in terms of Hegel’s larger system. And, Derrida’s reading is nothing if not systematic. However, the sober nature of this systematic reading is interrupted as soon as you look to the right, to the column that addresses the work of French writer Jean Genet.

In fact, Derrida borrows the two-column structure – which, in its oscillation between two texts and its consequent intertextuality, itself *describes* the movement of deconstructive reading – from an unfinished article of Genet’s: “Ce qui est resté d’un Rembrandt déchiré en petits carrés bien réguliers, et foutu aux chiottes.”⁷ The question of “remains” (le resté) is the central pre-occupation of both columns in *Glas*. Most interesting for my purposes, as I have suggested, is that more than half of the Hegel column involves a painstaking analysis of Hegel’s theory of the family. As Geoffrey Hartman argues, at bottom, the two-column structure of *Glas* matches “Hegel and the discourse of the father” with “Genet and the discourse of the mother,” and in doing so is centrally preoccupied with the question of sexual difference and familial relations.⁸ As Derrida writes:

In order to work on/in Hegel’s name, in order to erect it, the time of a ceremony, I have chosen to draw on one thread. It is going to seem too fine, odd and fragile. It is the law of the family: of Hegel’s family, of the family in Hegel, of the concept family according to Hegel.

(G: 4a)

As Derrida sees it, Hegel’s “family law” understands the paternal and maternal discourses in a relation not of opposites or complements, but like Hegel’s understanding of dialectical contradiction itself, in a *chiasmic* relation; the law or truth of each is “buried” in the law of the other.

Indeed, Derrida points out that the family is a crucial transitional moment in the whole of the Hegelian system. For the family is "both a part and the whole of the system" of Spirit, and as such it imitates or "figures ... the system's totality" (G: 21a). On the one hand, as the first moment in the articulation of *Sittlichkeit* (the other two being civil society and the state), the family is a finite and particular moment of the system, passed through only once in the formation of Spirit. On the other hand, however, the family also has its own syllogistic structure; the movement of *Aufhebung* takes place *within* the structures of the family moment, and, as such, the Concept of the family exemplifies the system of which it is part. "Its place in the system's structure and development," Derrida tells us, "is such that the displacements or the disimplications of which it will be the object would not know how to have a simply local character" (G: 4a–5a). In short, the family is a moment of rupture in and of the system.

Thus, from the opening moments of *Glas* we are not only alerted to the fact that Hegel's system is fissured, but we are also directed toward what might be its point of rupture or instability. Moreover, Derrida's intervention in the Hegelian text – which thematizes precisely the difficulty of the point at which one enters "the Hegelian thicket" – points towards the ways in which the Hegelian system relies upon "[w]hat remains irresoluble, impracticable, non-normal, or nonnormalizable" (G: 4a). At the same time, Derrida's tactical course through the impenetrable thicket – what he calls "the bastard path" which moves "by *a coups*, fits and starts, jolts, little successive jerks, while touching, tampering with the borders" – also demonstrates how the system *covers over* that very condition of possibility (G: 5a). This chapter investigates this doubled move.

Hegel and Sophocles' *Antigone*

Hegel regularly employed the dramatic device of Greek tragedy to illustrate his central ideas. While the use of drama to convey philosophic insights is typical of nineteenth-century German philosophy, tragic drama is particularly suited to Hegel's specific philosophic position. For according to Hegel, the discovery of the truth of the whole is a necessarily painful, treacherous, and dramatic process. If human consciousness – like Spirit whose path it both emulates and guides – is to find self-realization, it must first pass through the risky and uncircumventable ordeal of self-diremption. And, like Spirit, human consciousness finds its highest form in a thoroughly organic human community.

The dramatic and perilous journey of human consciousness from brute sense-certainty to Absolute Knowledge is thus an integral part of Spirit's path of self-discovery in history. Significantly, the thoroughly organic community which is the end point of this journey is marked by the journey itself; this organic community must find a way to *recognize* the enduring split between our moral, conscious *universal* existences, and our amoral, unconscious

particular existences. In more colloquial terms, the organic community must accommodate our public, universal lives as citizens, and our private, particular lives as members of families. Importantly, then, the split between universality and particularity is no mere fissure in human subjectivity, but is rather a split in the axis of Being itself. In the human heart, Spirit finds itself estranged and at war with itself.

The process of reconciling this split lies at the heart of what Hegel refers to as ethical life, or *Sittlichkeit*. *Sittlichkeit* refers to our ethical obligations to the larger community, such that our particular, individual existences are most thoroughly validated in the context of our universal, collective lives. While the model of ethical community, for Hegel, remained the Greek notion of a *polis* in which there was a complete harmony between the individual and his society, he argued that modern subjectivity has evolved such that *Sittlichkeit* in the Greek sense cannot be restored. Modern subjects, imbued with the modern subjective freedoms of choice of mate and occupation, require a citizenship which consists of a profound personal identification with the institutions of their society. On this basis, Hegel makes the case for the ethicity of the modern state – in, among others, *The Philosophy of Right* and the *Philosophy of History* – which, as a thoroughly rational institution, manages to bridge the subjective freedoms of family life and modern commerce with the objective freedoms of the law. As he says:

The principle of modern states has prodigious strength and depth because it allows the principle of subjectivity to progress to its culmination in the extreme of self-subsistent personal particularity, and yet at the same time brings it back to the substantive unity and so maintains the unity in the principle of subjectivity itself.⁹

Nowhere does Hegel make the case for the ethicity of the modern state more emphatically than in his *Phenomenology of Spirit*. And if, as many have noted, the *Phenomenology* is dramatically constructed, this is in no small part because it has a great drama at its core: Sophocles' *Antigone*.

Of course, the *Phenomenology* is not the only work in which Hegel makes use of Sophocles' *Antigone*. Indeed, Antigone is a recurring figure in Hegel's work, appearing as well in the *Philosophy of History*, in *The Early Theological Writings* (1795–1800), *The Aesthetics*, (1821a) and *The Philosophy of Right* (1821b). This motif finds echoes throughout Western thought, for the Greek myth of Antigone, and more precisely, Sophocles' rendition of it, holds a canonical place in the Western philosophical and literary traditions. For Antigone, of course, was the daughter of Oedipus Rex and hence her mother, Jocasta, was also her grandmother. Clearly, we have already entered into a family story whose complexities are a well-known part of modern life.

As Sophocles renders the myth, Antigone's brother Polyneices attempts to overthrow the rule of his despotic Uncle – King Creon of Thebes – and, in so

doing, is killed. Creon (who is also Antigone's prospective father-in-law, as she is engaged to his son Haemon) forbids the burial of the traitor Polyneices, a decree which Antigone defies. As punishment for burying Polyneices, Creon condemns Antigone to be buried alive in a cave where she hangs herself. Subsequently, Haemon – Creon's son and Antigone's fiancé – kills himself over Antigone's body, an act that precipitates the suicide of his own mother. As is typical of the Greek tragic form, almost everyone dies.

Given its organization around a tragic clash between two laws – the human law of the *polis* represented by Creon, on one hand, and the divine law of the family represented by Antigone's appeal to a higher justice than that of the King, on the other – this tragedy is exemplary for Hegel.¹⁰ For Hegel sees these two laws – or rather the spheres that they govern, the family and the state – as in a necessarily creative conflict: each sphere seeks to absorb the other into its ambit. But each sphere is also utterly reliant on the other for its maintenance and continuity. For example, while the primary impulses of the state seem to be antithetical to those of the family – insofar as the state demands that citizens be prepared to sacrifice themselves in battle – the state also absolutely requires the family to “reproduce” the fallen citizens. Similarly, while the family attempts to subvert the state by trying to convince young men to use their power for the family dynasty rather than for the polis, in indicating to men the full nature of their power, this attempted subversion merely reinforces the strength of the state.¹¹

In this sense, neither sphere is complete or separate. And, Hegel argues, neither are the laws governing the two spheres themselves “absolutely valid” on their own; rather, each gains its meaning and legitimacy from the other (PhS: 275). The “truth” of each law rests in its “recognition” of the other. The peril inherent in their separation is made clear in the Greek myth: both Antigone and Creon remain faithful to only one of these laws and, thus, they meet unparalleled tragedy. For Hegel, the “message” of Sophocles' *Antigone* is thus the ultimate *indivisibility* of ethical substance. Nonetheless, what most captivates Hegel's attention in this drama is Antigone's choice to defy the human law forbidding the burial of her brother. Antigone's decision to respond not to *human* law, but to the “higher” divine law of the family, makes her, as Hegel says in the *Aesthetics*, the “highest presence ever presented to literature or art.”¹² Antigone is thus set above Jesus or even Socrates, in what George Steiner reminds us is “a formidable elevation,” given “the talismanic status of Socrates as the wisest and purest of all mortals in both Idealist thought and Romantic iconography.”¹³

Yet, if Antigone's action adheres to only *one* of the laws governing ethical life, how can we account for Hegel's admiration? The answer to this question involves, first, an investigation into the law that Hegel claims governs both the divine law of particularity and the human law of universality, a law which anticipates the “prior” wholeness from which they are divided. This “law-of-law,” according to Hegel, governs difference generally; it is the *Aufhebung*, the law of dialectical contradiction.

The law of law

Perhaps a clearer way to formulate the question of what governs the relation between the divine law of particularity and the human law of universality is to ask how to conceive of the *difference* between them, a question that brings us to the heart of Hegel's logical system: his brilliant overcoming of the *aporias* of what he called the philosophy of reflection through speculative logic. For the traditional opposition – which we might understand more generally as the opposition between “natural” and “positive” law – is precisely what Hegel sets out to challenge; he argues that to regard these laws as *opposed* is to be guilty of understanding them in terms of pre-philosophical categories which it is the business of philosophy to transcend by means of the unifying endeavors of Reason. While the full import of Hegel's development of the speculative logic of philosophical reason lies outside of the scope of the present argument, a brief synopsis of the speculative approach to difference is crucial to unraveling the mystery of Hegel's fascination with Antigone.

In his important confrontation with Fichte and Schelling, Hegel argued that their philosophical positions – which he summed up as “the philosophy of reflection” – were limited insofar as they could only ever understand difference as *opposition*.¹⁴ More pointedly, Hegel argued that this defect arose from a more fundamental mistake: because reflective thinking made use of the abstractly negative power of *division* peculiar to the Understanding, it could only conceive of the Absolute in a purely formal manner.¹⁵ On this view, the difference between particularity and universality would be understood to inhere in their *opposition* to each other, a view Hegel considered to be both untrue and tragic. In other words, if we recall that Hegel claimed that the “truth” of each law is buried in the other, we can see that the particular, divine, feminine law of the family and the universal, human, masculine law of the state cannot be understood to be strictly opposed. Rather, the virtue of what Hegel called speculative or *absolute* reflection – Hegel's groundbreaking innovation to philosophical thought – is that all difference is ultimately subsumed under the identity of the Absolute. From the vantage point of the Absolute, in other words, difference is revealed to be at one with identity. The human law of universality, and *vice versa*, reflects the divine law of particularity completely and absolutely, such that the differences between them are completely absorbed.

As Rodolphe Gasché says, speculative reflection “represents the most complete type of reflection – the concept of reflection itself – reflecting the totality of its formal movements.”¹⁶ Now, while on this view the truth is revealed to be the unity of difference with identity, it is also *concrete*; “it unfolds within itself, and gathers and holds itself together in unity.”¹⁷ To do justice to it, then, philosophy must mirror its structure. In this sense, while for Hegel logic is thought about thought, the structure of philosophical thought itself must be adequate to the structure of reality. Hegel thematizes the question of the

relation between difference thought as opposition, and difference thought as dialectical contradiction, in his *Science of Logic*. As the notion of difference as dialectical contradiction is crucial to our investigation, I would like to proceed slowly here through some relevant steps in the argument Hegel lays out, an argument in which he takes the philosophy of reflection at its word, and ultimately demonstrates its failure.

For Hegel, while logic is thought about thought, the *science* of logic is the ordering of those categories – the modes of thought – we use to think about thought.¹⁸ This ordering of categories leads to the discovery that any category, taken in isolation, cannot be sustained, a discovery that, in turn, leads towards the next category of thought, in a ceaseless movement of learning. “Reflection” is the moment of mediation in which thought reflects on its failures, and the moments of its process are the “determinations of reflection.” These determinations of reflection follow a predictable route from identity to difference, to contradiction. Each failure leads to a new lesson and, as Hegel tells us, these lessons lead ineluctably from a consideration of “Being” to a consideration of “Essence” and finally to a consideration of “Concept.” Thus, to take the most famous example, Hegel opens his *Science of Logic* with the question of “Being.” Taken alone (as identical to itself), without any determination, “Being” turns out to be empty and, in fact, to be equivalent to “nothing.” That is to say, nothing could “be” which was simply characterized as “Being.” Anything that *is* also has to be determinate in some sense (different from itself), has to have some *quality*. “Being,” then, turns out to reveal a contradiction – that it is equivalent to its opposite, “nothing.”

Being, which must have a quality – a determination – is then considered in terms of its *essence*. Hegel discusses this in the second chapter of Book Two of *The Science of Logic*, “The Essentialities or Determinations of Reflection,” and it is in this crucial section of the *Logic* that Hegel develops his important notion of *dialectical contradiction*. The first moment of thinking the “essence” of Being thinks it in terms of simple identity (*Identität*); the essence of a thing inheres in its identity with itself: $A = A$. This may seem simple enough, but in the process of learning described above, thought discovers that a thing is only what it is – identical to itself – in its *difference* from other things: $A = A$ by virtue of not being B or C, etc. Thus, difference is shown to be not *inimical* to identity, but rather *internal* to it. This attempt to think essence as identity, like the initial attempt to think Being as immediacy, then, also fails. Thought is led by the insight gained from this failure to think essence as absolute difference (*Unterschied*). But in order to stabilize difference long enough to think about it *as difference*, some identity must be implicated in it. Thus, in the same way that difference is shown to be internal to identity, so identity is shown to be internal to difference. Neither identity nor difference has been shown to be pure; each gains its possibility and its meaning from its presumed antithesis.

Insofar as both identity and difference contain their own opposites, they are self-reflected. In other words, each “moment” of reflection – the identity in

difference, the difference in identity, and so on – is simultaneously a part of itself and its whole. And insofar as both sides of identity and difference are reflected absolutely, they pass completely into each other, leaving no remainder. Each “moment” of both identity and difference, then, is also simultaneously exclusive and self-sufficient. Each “moment” of identity and difference (or any philosophical opposition), in other words, must be both part and whole, with no remainder, forming a self-sufficient whole.

I shall return shortly to the way in which this logic is directly implicated in my discussion of justice and the law, and consequently with a fantasy of sexual complementarity. Before that, however, it is important to note that for Hegel, this is the critical moment for the process of reflection. For the attempt to think this exclusivity and self-sufficiency proves the downfall of the dividing power of the Understanding. As self-reflected (containing its opposite), each moment succeeds only in excluding itself when it attempts to exclude its opposite. That which excludes itself from itself is contradictory. In this turning towards itself, as Hegel tells it, traditional *philosophical* reflection reaches its limit and is destroyed.

When the formal process of reflection turns towards its own operation, it eventually destroys its very basis; it “drowns” itself, in Hegel’s words, “in its own abyss.”¹⁹ All is not lost, however, for the virtue of the process of reflection is that the Understanding is already a fore-form of Reason. In order for it to have been possible to divide the categories for thinking Being in the first place, there must already have been a totality – some kind of identity – from which these categories had been separated. As Gasché says, “opposition as the force of separation already supposes an identity into which its dissolving power cuts.”²⁰ The totality secretly at work “behind” the process of opposition is discovered to be the absolute identity of thought itself. This discovery overcomes the major antinomy of philosophical reflection; that is, the antinomy between the thinking being and that which is thought. Truly reflective thinking – which is not formal reflection, but rather absolute reflection – sublates the opposition between subjectivity and objectivity along with other dualisms. Absolute or speculative reflection (from the Latin *speculatio* for contemplation, and *speculum* for mirror) is thought thinking not just about itself, but reflectively about the thoughts it must use in order to think itself. Recognizing the purely formal relationship of opposites, then, thought discovers the guiding principle that has been propelling it: the totality of the Absolute.

Speculation, in this sense, articulates what reflection already presupposed but was not aware of: the prior wholeness of the divided. In this sense, speculative reflection is concerned with reconstituting the unity of what is diverse. As Hegel says:

Speculative thinking consists solely in the fact that thought holds fast contradiction, and in it, its own self, but does not allow itself to be

dominated by it as in ordinary thinking, where its determinations are resolved by contradiction only into other determinations or into nothing.²¹

This is how speculation is related to some of its common-sense meanings; like speculation in the stock market, it goes beyond what is immediately present. Thought is inexorably led to “speculate” upon the Absolute through its own tendency to exceed what is immediately present.

To sum up, thought is led to recognize that any finite thought taken in isolation involves a contradiction. Importantly, thought has an impulse to overcome contradictions, to resolve and negate them. Specifically, through contradiction thought is led to new, higher concepts, intrinsically related to those that gave rise to the original contradictions. These new concepts usually involve contradictions of their own, and so thought proceeds by successively revealing and overcoming contradictions until it eventually arrives at the Absolute Idea. Absolute or speculative dialectics can conceive of the identity between the divine law of particularity and the human law of universality, insofar as both laws are absolutely reflected, with no remainder. Speculative dialectics, then, manages to relocate philosophy’s traditional outside – the singular and differentiated world of contingency – to the interior of philosophical thought. In this sense, dialectical contradiction (*Widerspruch*) is the guiding principle, the law, if you will, governing the relation of all things to each other. It is the law of law.

The movement of thought through these moments of revealing and overcoming contradictions simultaneously abolishes, preserves, and lifts up those contradictions. This is what Hegel refers to as sublation, the *Aufhebung*. Hegel is surprised to discover a word like *aufheben* in German, a word that uses “one and the same word for two opposite meanings.”²² A single word that contains the two seemingly contradictory meanings – to abolish and to preserve – is “a delight to speculative thought.”²³ Importantly, like many of Hegel’s other terms, *Aufhebung* applies both to concepts and to things. The concepts of “identity” and “difference,” and thus of “particularity” and “universality,” as we saw, are sublated through the determinations of reflection. And as we shall see, human individuals are equally sublated: in death.

Antigone’s singular act

We are now in a position to return to the question of the relation between the divine law of particularity represented by Antigone’s choice, and the human law of universality represented by Creon’s dictate. As Hegel tells it, the law governing the relation between these two laws is the reflection of the first law in the second and of the second in the first; it is the law of dialectical contradiction. And as I have suggested, the self-reflection of both sides is total; it leaves no remainder. Both part and whole – particular and universal – are reflected absolutely; they pass completely into each other.

For Hegel, the dialectical opposition of the human and divine laws is necessary in order to ensure that citizens of the ethical state can attain "true" or concrete universality. As Hegel tells it, this concrete universality can only be accomplished through a universal recognition of particularity; each of us seeks recognition of his/her own particularity from everyone. As we shall see, concrete universality is a special problem for sexually differentiated individuals. For, as far as Hegel is concerned, sexual difference must be preserved, abolished, and lifted up; sexual difference must be sublated.

This problem is attenuated by the fact that it is not simply the human individuals who are sexually differentiated, but the spheres that govern them, and the laws that govern those spheres. Specifically, it emerges that ethical life, or *Sittlichkeit*, requires that the more natural, feminine, unconscious realm of the family be mediated by the cultural, masculine, and conscious realm of the state, and *vice versa*. For as the sphere of particularity, the family is non-universalizable particularity: mere particularity. The state, on the other hand, as the sphere of universality, is unrecognized universality, pure abstraction. In keeping with Hegel's aim of "concrete universality," clearly, these spheres must be concretely, and not merely abstractly, mediated through particular human relationships. More precisely, these spheres must be mediated through their representative individuals: men and women. Further, these must be men and women who "overcome their merely natural being and appear in their ethical significance" (PhS: 275). The sexual differences between them must be understood as sexual *indifference*. Thus, Hegel is looking for a relationship that sublates sexual differences, one in which sexual difference is abolished, preserved, and raised up. Indeed, Hegel considers two such possible relationships, beginning with the most obvious, that between a husband and a wife.

It is important to remember that for Hegel, men and women have remarkably different courses of actualization. Whereas men are occupants of both spheres of ethical life – both the family, as particular individuals in particular relationships, and the state, as citizens – women are only ever in the family. This also means that men and women have remarkably different relationships to the possibility of true universality. For, as Hegel says, as long as an individual "belongs to the Family" he "is only an unreal and impotent shadow" (PhS: 270). Only citizens – those who gain the right to existence in the life of the polis – are "actual and substantial" (PhS: 270). Thus, because women can never become citizens, the universal recognition necessary for true universality simply does not present itself for them. In short, whereas men can have their particularity universally validated in the public sphere, women cannot.

The family, as "merely natural existence," is the realm of unconscious being-in-itself; it is the realm of animal-like life. Because a man's desire for his wife happens within the circle of this unmediated realm, his desire for her in particular is similarly natural, unconscious, and animal-like. Fortunately, the pleasure of this desire – which Hegel describes as "the pleasure of *enjoying his individuality*" – necessarily leads him towards recognizing the necessity of his

"self-consciousness as a citizen of his nation" (PhS: 276–77). As Hegel tells it, men's affective, natural, desiring lives and their moral, universal lives, literally happen in different realms. And their "natural" inhabitation of the first realm – the family – is a stepping stone on the way to their "moral" lives in the state.

Women, in contrast, are limited for their whole lives to the natural, unconscious realm of the family. However, this does not mean that they are amoral. Rather, for Hegel, women's morality is qualitatively different from that of men; it is natural, unmediated, immediate. Thus, a wife's desire for her husband is held to be, in its natural state, already moral, just unconsciously so. For her relationship to her husband or her children *is* her relationship to universality. For women, as Hegel says,

it is not a question of *this* particular husband, *this* particular child, but simply of husband and children generally ... The difference between the ethical life of the woman and that of the man consists just in this, that in her vocation as an individual and in her pleasure, her interest is centred on the universal and remains alien to particularity of desire; whereas in the husband these two sides are separated.

(PhS: 274–75)

Consequently, the wife's desire for her "particular" husband is, in fact, a kind of desire for him as a representative of universality. (Clearly, Hegel is here giving voice to the common assumption that women's sexual desire is less animal-like than men's. As women's desire, Hegel held, was not for concrete human bodies, but for the abstraction of universality, it was already moral.)

A husband's desire for his wife, then, is dramatically different from her desire for him. As Hegel would explain it, their natures as "wife" and as "husband" are not alike. This unmediatable asymmetry between a husband and his wife via the husband–wife relationship means that the pure return of the other to itself cannot take place. The relationship of husband to wife, and of wife to husband, does not sublimate the sexual difference between them.²⁴ It is for these reasons that Hegel finds the relationship between brother and sister morally exemplary. For as Hegel tells it, the beauty of the sibling relationship is that while brother and sister are fully sexually differentiated beings, they feel no desire for each other. They are "free individualities in regard to each other" (PhS: 274). At the same time, insofar as they are tied by blood, they are not purely independent of each other. The brother's nature as *brother* (as compared to his identity as citizen) resembles the sister's nature *as such*.

The brother ... is for the sister a passive similar being in general; the recognition of herself in him is pure and unmixed with any natural desire. In this relationship, therefore, the indifference of the particularity, and the ethical contingency of the latter, are not present; but the moment of

the individual self, recognizing and being recognized, can here assert its right, because it is linked to the equilibrium of the blood and is a relation devoid of desire.

(PhS: 275)

Unlike husband and wife, brother and sister are able to recognize each other completely, in a way that transcends their differences. This, finally, is a relationship of identity-in-difference.²⁵

Hegel ends the paragraph quoted above saying, “the loss of the brother is therefore irreparable to the sister, and her duty towards him is the highest” (PhS: 275). This is a clear reference to Antigone, and indeed, Hegel names her here directly in a footnote. As I shall argue shortly, Hegel’s mention of the personage Antigone (as opposed to the “sister”) is not incidental, but indispensable to the functioning of his system. For the moment, however, it remains to be seen exactly what the sister’s obligation is with regard to her brother’s loss.

For Hegel, as we have seen, men inhabit the sphere of the family “on the[ir] way to the state.” Stated slightly differently, in their familial mode, they are an instantiation of Spirit whose true *telos* is, as Hegel says, “another sphere,” for while men must inhabit the natural sphere in order to acquire particularity, they then leave this immediate, natural life in order to “acquire and produce the ethical life that is conscious of itself and actual” (PhS: 275). This means that a man is only a “husband” or only a “brother” so long as he inhabits the family and its realm. With his escape to the universality-producing life of the city, he is transformed into a *citizen*, and becomes actual and substantial.

Importantly, while the brother-become-citizen is actual and substantial, he is still a particular, albeit a particular *universal*. His dilemma is that his life as a universal particular is severely circumscribed by his particularity; in more colloquial terms, he doesn’t live forever, and as far as Hegel is concerned, particularity without universality – literally, the bodily remains – is “mere particularity.” The crucial problem here is that as a “mere particular” – what I want here to call “singularity” for reasons that will soon become evident – the brother’s remains fall out of the system of particularity–universality, the system of the law.

Indeed, the following analysis turns upon an important distinction I want to maintain *between* the particular and the *singular*. In the analysis I have undertaken so far, I have tried to be clear that the particular, for Hegel, is always already universal. What I want now to stress, however, is Hegel’s biggest philosophical challenge, namely, that while every particular is universal, every particular is *also* always singular, and in this sense is *non-universalizable*. Every particular someone, in other words, is always also *this* idiomatic body, a body that is irreducible to any number of universal–particular identities, or concepts, which could be attached to it. Every person, while a member of various universal groupings, is also utterly unique and therefore

irreplaceable. The singular, idiomatic quality of each individual body is what, in fact, cannot be completely absorbed by the generality of the universal; the particular does not go into the universal without a remainder. Hegel's answer to this problem is to relegate the idiomaticity of each body – each singularity – to nature, to death.

With this in mind, let us return to the sister and brother under discussion, to Antigone and Polyneices. Once Polyneices is dead, insofar as he is no longer “brother,” “husband,” or “citizen,” but only a corpse, he no longer partakes either of particularity or of universality. He is nothing but his absolute singularity. As Hegel says, “*death ... is a state which has been reached immediately in the course of Nature, not the result of an action consciously done*” (PhS: 270, italics in the original). In this sense, Polyneices' corpse must be understood to be outside the order of particularity–universality. More pointedly, his physical remains that are outside the order of particularity–universality are outside the jurisdiction of the *law* governing the spheres of particularity and universality, the law of dialectical contradiction. In order for the law of dialectical contradiction to succeed, the result of death must not be, for Hegel, the next stage in the *natural* process, namely, a corpse. Rather, death's result must be the next stage in the *logical* process: spirit. Somehow, Polyneices' remains must be “returned” to the system of ethical life; he must be *returned* to the law, the system of particularity–universality. His remains must be *sublated*: abolished, preserved, and raised up.

Thus we can finally see why Antigone's intercession is so important. Her task, as Hegel tells it, is to enact the deed, which accomplishes “the transposition of opposites in which each proves itself to be the non-reality, rather than the authentication, of itself and the other.” As Hegel says, “The duty of the member of a Family is on that account to add this aspect, in order that the individual's ultimate being, too, shall not belong solely to Nature and remain something irrational, but shall be something *done*” (PhS: 270). Antigone must act as “the middle term,” the mediating role of reflection. It is up to her to reveal that the divine and human, feminine and masculine, realms are not “opposed,” but rather are each other's authentication, each other's truth. For her, “ethical action”:

becomes the negative movement, or the eternal necessity, of a dreadful fate which engulfs in the abyss of its single nature divine and human law alike, as well as the two self-consciousnesses in which these powers have their existence – and for us passes over into the absolute being-for-self of the purely individual self-consciousness.

(PhS: 279)

As Hegel tells it, Antigone's action – burial and mourning – must absorb and transform the nature, the *thingness*, the singularity of her brother. It must take his corpse and spiritualize it. In this sense, her burial of his remains, her

mourning, is the deed that is inescapably required to rescue him from nature and return him to the law. And clearly, it is not the remains of the replaceable "brother" or "citizen" which must be disposed of, but rather the remains of the unique and irreplaceable Polyneices. In Sophocles' rendition, Antigone herself says:

Do you ask what argument I follow here of law? One husband dead, another might be mine; sons by another, did I lose the first; But sire and mother buried in the grave, A brother is a branch that grows no more.²⁶

A husband, a child can be replaced, but this brother – Polyneices – is a "branch that grows no more," unique and irreplaceable. And equally, it can be neither merely "sister" nor merely "wife" who enacts the process of mourning and burial, but rather the unique and singular Antigone.

It is important to note here that, as Derrida remarks, "singularity can only disappear, can posit itself *as such* only in death" (G: 142a). For the absolutely singular is precisely what can never appear. For in its appearance, the singularity of the singular is destroyed, or disappears.²⁷ Thus, if the family has singularity as its proper object, "it can only busy itself *around death*" (G: 142a).

Insofar as Antigone's action – burial and mourning – rescues the one "bit" that might escape from the Hegelian system, it is her action that makes law's universal reach possible. As Derrida points out, "isn't there always an element excluded from the system that assures the system's space of possibility?" (G: 162a).²⁸ For, in order for the law of dialectical contradiction to be *law*, it must apply, not just to a few instances, but to every single instance; that is the nature of law *as such*. Thus, by mourning and, in so doing, spiritualizing her brother's dead body, Antigone ensures that the law that governs the relation between human and divine laws – what Hegel refers to as the "law of law" – is instantiated and is realized. In this sense we can understand how *mourning* – the activity that transforms the inert, irreplaceable corpse into a spiritual universal – is *the condition of the law as such*.

As I suggested earlier, according to the common understanding, justice is conceived to be on the side of the divine and law on the side of the human, while imperfect human law is understood to strive to realize perfect divine justice. On this view, justice and the law are conceived of as being incommensurable in the same way as Ideal and Real, or Concept and Thing. Hegel, on the other hand, proposes a much more complex relationship between justice and the law. The law governing the relation between the realms of particularity and universality – the law of law – is made possible through a singular act of mourning. In this sense mourning is a central operator in Hegel's understanding of *justice*. For while Hegel, in tune with the more common perception, understands justice to rely on an encounter between the divine and the human, this is not a practically impossible encounter, but is rather

actualized in a truly ethical order, an order which is actual and real. In his own words:

The whole is a stable equilibrium of all the parts and each part is a Spirit at home in this whole, a Spirit which does not seek its satisfaction outside of itself but finds it within itself, because it is itself in this equilibrium with the whole. This equilibrium can, it is true, only be a living one by inequality arising in it, and being brought back to equilibrium by Justice. Justice however, is neither an alien remote from this whole, nor the reality (unworthy of the name of Justice) of mutual malice, treachery ingratitude etc. which would execute judgement in an unreasoning arbitrary manner, by misunderstanding the context of the action, and by unconscious acts of omission and commission. On the contrary it is the Justice of *human* law, which *brings back into the universal the element of being-for-self which has broken away from the balanced whole, viz, the independent classes and individuals.*

(PhS: 271, emphasis mine)

Justice is the process by which the being-for-self, singular "independent classes and individuals" are brought into contact with the universal. Human or positive law (law which is posited) is not made just by its adequation to "natural" or God-given law. Rather, human law is made successful, made just, through its encounter with the being-for-self – the singularity – of every particular. "Justice" is the name that Hegel gives to the law governing the human and divine spheres: the "law of law," the law of dialectical contradiction. Justice is the name that Hegel gives to his own central operator: *Aufhebung*. And, in exactly the same way as the analysis that I have undertaken in the first four chapters, the *Aufhebung* gets underway. It begins its movement from that which cannot be comprehended by it, by *différance* or the trace, which in this case is the absolutely singular Antigone herself.

In this sense, both Hegel's law of dialectical contradiction and our own more popular notions of positive law are considered legitimate and successful, on exactly the same basis. They are considered to succeed insofar as they are considered general enough to be applicable, not just in particular circumstances, but in circumstances which are entirely singular, idiomatic, unique. Both the law in its positive sense and the law of dialectics, the law *as such*, are destined in their generality, for the singular.²⁹ Indeed, singularity is the condition on which there can be something like law at all. As Derrida argues, the law necessarily seeks after the singular; this is its promise and its destination. It is on this basis that a law is considered to have succeeded or not; it is on this basis that we can judge the *justice* of the law. Thus, justice, the law's success, *rests on the possibility of singularity.*

This raises an immediate problem. If justice – the law's success – is the encounter, not just between the universal and the particular, but the universal

and the singular, it becomes difficult to conceive how Hegel can relegate singularity to death. How, in other words, does the universal law, once it is instituted, come face to face with the unanticipatable case it is designed for if singularity is relegated to the bodies of the dead? The key to answering this question is to be found in the equivocal nature of mourning itself. For, notwithstanding the fact that, as Hegel tells it, an act of mourning is the condition for the law, and the fact that law's destination is the singular, on both Hegel's account and the perhaps more familiar psychoanalytic account, the aim of mourning's work is the assimilation of the singularity of what is mourned back into the psychic system of the one who mourns. Stated more simply, while the aim of mourning is the *abolition* of singularity, it is precisely the singular that is itself the destination of the law. Clearly the work of mourning is a complicated one. It thus makes sense to look carefully at what this "work" of mourning – what Hegel calls "work deliberately done" – might be (PhS: 278).

"The law of law, always in mourning"

According to Freud's 1917 article "Mourning and Melancholia," grief for a lost object is painful precisely because the work of mourning is utterly absorbing. Each memory, each way in which the ego is tied to the lost love-object, must be gone through and *hypercathected* in order that all libido tied up with it be freed up. In this sense, the mechanism of mourning can be likened to a kind of intensive psychic sorting; the energy which was once "invested" in the lost person or object must be slowly displaced from "out there" and reinvested, or introjected back into the structure of the ego itself. This is accomplished through a process of identification with the lost object; in effect, the subject temporarily "becomes" the object that it once loved, giving the lost object a certain period of continued life. Indeed, the utter absorption of the ego in this meticulous and exacting work leads to the symptoms we generally associate with mourning: depression, decreased interest in the outside world, sleeplessness, loss of appetite, loss of the capacity to love, and a general inhibition of activity. As Freud tells it, mourning is the process whereby "[r]eality-testing has shown that the loved object no longer exists, and it proceeds to demand that all libido shall be withdrawn from its attachments to that object."³⁰

While this demand "arouses understandable opposition," because "people never willingly abandon a libidinal position," he goes on to say that "normally, respect for reality gains the day."³¹ The difficult circumstance of mourning is one in which the reality-principle temporarily overrides the pleasure principle in order that libidinal energy be freed up. For mourning is considered to have been "successful" when the process of identification is complete. In this case, the energy once given to the lost object has been introjected back into the ego, and the subject is free to displace those libidinal

energies elsewhere. Thus, despite the tremendous pain involved in the work of mourning, when it is complete, the ego "becomes free and uninhibited again."³² What was once *irreplaceable* in what was lost – attachments, memories, etc. – has now been replaced.

Hegel's master-concept, the *Aufhebung*, then, conceptually simulates the activity of mourning. For the way that the psychoanalytic notion involves the incorporation and eventual displacement of the emotional investment in singular, irreplaceable lost objects, uncannily mimics the interiorizing, memorializing activity of dialectical overcoming. It is precisely for this reason that Hegel is able to make such dramatic use of the figure of Antigone. Antigone enacts on the dramaturgical level precisely the same effect that the technical philosophical notion of sublation enacts logically. So, on both the Hegelian and the more familiar psychoanalytic account, mourning is the "work" which "gets rid of the remains of the dead."

In a very precise sense, then, on the psychoanalytic account, mourning effectively *abolishes* the irreplaceability, the singularity of the singular. In other words, a successful process of mourning is one where the irreplaceability – the singularity – of what was lost is assimilated or absorbed back into the structure of the mourner's ego. The success of mourning means the *death* of singularity. In short, on both the psychoanalytic and Hegelian accounts, mourning is the name for the process by which the singular "remains" of what has been loved are absorbed into the structure of thought itself.

Mourning is thus the process by which the trace, the singularity of the singular, the *différance* that makes dialectical contradiction meaningful, is reabsorbed by the system itself. Perhaps paradoxically, mourning is the "work" that ensures that nothing is lost from the system. As Derrida says, the *Aufhebung*, "the economic law of absolute reappropriation of the absolute loss, is a family concept" (G: 133a). It is left to the feminine, divine, nocturnal, natural, and singular law of the family to appropriate what exceeds thought and put it to work in the service of meaning.³³

As I have suggested, the singular is the destination of the law as such; that is, the nature of *law* is that it is applicable in the most idiomatic or singular of circumstances. But if mourning involves the assimilation of the singular, and mourning is also the condition of the law, the law is essentially impossible. For, insofar as mourning *succeeds*, it abolishes the singular and the law must fail. In other words, if singularity is abolished, the law, whose address is to the singular, can never be concretized, never be applied, never be made just. Thus, if mourning succeeds, the law cannot.

This, finally, is what Derrida refers to as the *aporia* of law. Mourning, as the process that enables the law, is precisely the process whose completion, whose success, makes justice, as the success of law, impossible. And this is what I mean when I say that mourning is the *impossible condition* for the law. Mourning, which is the condition for the law, if successful, makes the success of the law impossible. In order for mourning to succeed, the law would have

to fail, and in order for the law to succeed, mourning would have to fail.³⁴ The failure of each is the condition for the success of the other.

Thus, justice, like law, like time, like all other Being, can never *be* except as an infinitely open-ended possibility. And, like every other being, despite the fact that justice can never *appear* as an *is*, despite the fact that the law can never fully meet the singular which is its destination – and all of these are various ways of saying the same thing – *justice happens anyway*. But its happening is unlike other happenings, because it is at a different order of non-being, if you will. The openness of the possibility of the event itself, Derrida says, is undeconstructible.

This interval, which both makes the law possible, and makes its justification impossible, is deconstruction. Said slightly differently, the promise of the law – that it will be just – is always coming. And there, in this interval between the law and its promise, is where justice happens, impossibly.³⁵ Justice, then, is what stands between the law and its possibilization, the just enactment of the law. This is the precise way in which justice is not, nor can ever be, fully coincident with itself.

This is what Derrida means when he says that justice is “an experience of the impossible.”³⁶ Justice is undeconstructible not because there is, finally, one blueprint, or, ultimately, some ground for its absolutization, however narrow, but because it is a structural feature of our experience: the to-come. Thus, Derrida does not leave us in this desert, with no possibility of justice, except as some kind of viciously impossible regulative ideal. It is not that there is a standard, but we’ll never get there, nor is there no standard at all. Rather, justice is both what makes the law possible, and what makes its justification impossible.

Justice-law and a fantasy of sexual complementarity

I would like to now return to the claim with which I began: that the traditional justice-law distinction relies upon a fantasy of the *natural* character of heterosexuality. As we have seen, from the vantage point of the Absolute, the difference between male and female, between the divine feminine law of the family, and the human masculine law of the state, is revealed to be at one with identity. The divine law of particularity is reflected completely and absolutely by the human law of universality, and *vice versa*, such that the differences between them are completely absorbed. Indeed, justice, on this account, is understood to be the law that governs both laws: the law of law or the law of dialectical contradiction, Hegel’s master-concept, the *Aufhebung*. This is the law that dictates that each of the lesser laws is fully absorbed by the other. It is the law that dictates that what is “masculine” is male, and that what is “feminine” is female, and that the two are each other’s perfect complements.

However, notwithstanding Hegel’s efforts, the divine, feminine law of the family and the masculine, human law of universality are *not* opposed in a way

that is symmetrical. Rather, in order to achieve the illusion of justice, to make the "to-come" appear to be "here-now," to make the two lesser laws governable by the *Aufhebung*, the law of the family actually (secretly) functions as what Gasché calls the quasi-transcendental law of singularity, whose opposition to the law of universality is only made possible by virtue of Hegel's sleight of hand. This sleight of hand is the restriction of the absolutely unconditionable nature of generalized difference to "abstract negation"; it is the determination of the absolutely singular character Antigone to that of a generalizable "sister." The *Aufhebung* is made to appear to function by virtue of what is structurally undecidable: whether Antigone is the singular or the particular.³⁷

The analysis I have just undertaken demonstrates that in order for Hegel's notion of the *Aufhebung* to work as justice – the law of law – Antigone's identity as the singular personage, or as the sister, must remain undecided. The singular personage Antigone mourns her brother's singular remains and returns them to the law, ensuring the possibility of his continuation in the life of Spirit. However, the singular personage Antigone, as well as the singular personage Polyneices, must be made general as "sister" and "brother" in order that they represent their "natural" inhabitation of their respective realms, that of the family and of the state.

The quasi-transcendental law of singularity (as opposed to the divine law of the family) is, as Gasché describes it, the law that the "singular is dependent on a necessary idealization and universalization which at the same time betrays it."³⁸ As I have shown, this necessary idealization and universalization is a feature of every instance of sublation. However, in this particular example – the example of the relation between justice and the law – Hegel's equivocation between the singular personage Antigone and the generalized "sister" (which "betrays" Antigone as herself absolutely singular), means that this *singular* woman appears both as herself and as "woman." In the move by which Antigone figures both as herself *and* as the sexually differentiated complement to the brother who leaves the family, Hegel manages to absorb into the philosophical system precisely what must always remain firmly beyond its reach: the singularity of the singular. That the law of the family is actually the law of singularity is why Derrida says that the law of the family "hides itself, does not offer itself in this opening-manifestation ... [It] is nocturnal" (G: 142a). In effect, this equivocation between the singular and the particular fixes the relation between male and female in a relationship of complementarity, in a fantasy that heterosexuality is fully natural.

The singular, as I have tried to show repeatedly in this study, is precisely that which can never appear *as such*. For as Peggy Kamuf has recently stated, "singularity is not the subject" but is rather "the possibility of a repetition."³⁹ This is why, as Gayatri Spivak argues, "the discourse of man is *in* the metaphor of woman."⁴⁰ "Woman" as metaphor has routinely taken the place of the unrepresentable, for what has been variously understood as the sublime, as the "opening" of philosophy, or of the "Other." In fact, Hegel has not been and

has not remained alone in figuring the unrepresentable, or what Derrida calls the “figure inadmissible to the system” as “woman.” This attempt to represent the unrepresentable in the figure of “woman” has a long and venerable history in philosophical texts (G: 151a).⁴¹

As Hegel is fully aware, the singular cannot be represented *as such*. As Peggy Kamuf argues:

The singular is not repeatable as such, but is precisely the impossible presentation of an *as such*. The singular remains in excess of – before or beyond – representation, the difference between the subject and an unrepresentable *I*. The latter is finite, determined by the singular events of birth and death, whereas the former is infinitely or indefinitely repeatable, having no origin nor end other than in that repetition.⁴²

Positing the “divine law of the family” as the other of the “human law of the state” – a move which can be understood by way of Antigone’s necessarily doubled role, or by way of the law of singularity posing as “the law of the family” – fixes “woman” as, yet again, the other of the same.

The question which this raises is one to which feminists have repeatedly returned: “What would it mean for ‘woman’ to figure as something other than the unrepresentable, to function as something *other* than the ‘other of the same’?” What I will argue in the following chapter is that the restriction of sexual difference to one that posits male and its other, female, is one that can be usefully rethought through a deconstructive reading, or through the “strategic occupation of the *Aufhebung*,” which has been the recurring theme of this book. Sarah Kofman observes that this strategic occupation, represented most graphically by the very shape of *Glas* (which, as we remember, is divided into two columns), allows Derrida “to write two texts at the same time.”⁴³ As Spivak quips, this double-fisted strategy has the advantage of allowing Derrida “to both be and not to be a man – to have the phallus and yet accede to dissemination.”⁴⁴ This oscillation is “the classic case of fetishism” whereby mastery is impossible.

The relinquishing of mastery is another way of talking about the machine that does not work in the service of meaning: the machine, about which Hegel, “the relevant interpreter of philosophy,” could never think. This machine is precisely the mechanism of *Glas* itself.⁴⁵ As Sarah Kofman has described *Glas*:

No more frame, no more border, no more certain boundaries between a text and its outside, the end and the beginning of a text, the unity of a *corpus*, the title, the margins, etc. – more than a differential network, a web of traces indefinitely referring to each other. Each text transforms the other, and *a fortiori*, what writes itself between them, resembles no other form, no other genre, no other mode of literature or philosophy. Ring the death knell of code and genre!⁴⁶

As I will argue, to ring the death knell of code and genre is also to ring the death knell of *gender*. In the next chapter, I will pursue the question of Derrida's general strategy with regard to the death knell of gender, what Kofman has astutely named the "generalization of the economy of fetishism."

Notes

- 1 Margaret Davies, *Delimiting the Law: 'Postmodernism' and the Politics of Law* (London: Pluto Press, 1996), p. 1.
- 2 Derrida undertakes many "deconstructions" of seemingly opposed categories. And while each analysis is not analogous – indeed, the "reverse/revalue" formula which many critics have offered by way of explaining deconstruction, is a severely limited one – what does remain the same from one analysis to the next is that two terms which *seem* to be opposed turn out, upon closer analysis, to be reliant upon each other in a way which threatens traditional logic. For instance, see the analysis Derrida undertakes of the relationship between speech and writing in *Of Grammatology*, or the analysis of the relationship between philosophy and metaphor on "White Mythology," or between citizenship and friendship in "The Politics of Friendship," as well as numerous others. As I will argue, what makes Derrida's analysis of the justice-law distinction unique is that justice, as Derrida tells it, *is* deconstruction.
- 3 See Luce Irigaray, especially *This Sex Which is Not One*, translated by Catharine Porter (Ithaca, New York: Cornell University Press, 1985), and Judith Butler, *Gender Trouble* (New York: Routledge, 1990). Of course, feminists have had a wide variety of responses to Jacques Derrida's work. For a good representation of the feminist response that deconstruction is yet another tiresome ruse on the part of masculinist philosophy, whose aim is to domesticate the force of feminism, see in particular, Rosi Braidotti, *Patterns of Dissonance* (Cambridge: Polity Press, 1991).
- 4 The obvious exception to this is the writings of Drucilla Cornell. See for example, *The Philosophy of the Limit* (New York: Routledge, 1992) or *Beyond Accommodation: Ethical Feminism Deconstruction and the Law* (New York: Routledge, 1991).
- 5 Jacques Derrida, "Ja, or the faux-bond," in *Points* (Stanford, California: Stanford University Press, 1995), p. 43.
- 6 There has been a remarkable silence about this text from the English-speaking world. Until the publication of Stuart Barnett's anthology, *Hegel after Derrida* (London: Routledge, 1998), to my knowledge, the only substantive study of *Glas* was Geoffrey Hartman's *Saving the Text: Literature, Derrida, Philosophy* (Baltimore, Maryland: Johns Hopkins University Press, 1981). Among the contributions to Barnett's anthology, four engage directly with *Glas*. See, Critchley's "A Commentary Upon Derrida's Reading of Hegel in *Glas*," Heinz Kimmerle's "On Derrida's Hegel Interpretation," Henry Sussman's "Hegel, *Glas* and the Broader Modernity," and, in particular, Kevin Thompson's excellent "Hegelian Dialectic and the Quasi-Transcendental in *Glas*." Hereafter *Glas* will be identified in parentheses with the designation (G). The Hegel column which appears on the left hand side of the English translation will be referred to by the designation "a" following the page number, whereas the Genet column will be referred to by "b."
- 7 Jean Genet, 1968. The English translation, which is also how the Genet column opens, is "what remains of a Rembrandt torn into small, very regular squares and rammed down the shithole?" *Glas*, 1b.
- 8 Geoffrey Hartman, "Psychoanalysis: The French Connection," in *Psychoanalysis and the Question of the Text*, ed. Geoffrey Hartman (Baltimore, Maryland: Johns Hopkins University Press 1978), p. 101.

- 9 Hegel's *Philosophy of Right*, translated by Knox (Oxford: Clarendon Press, 1962), p. 161.
- 10 The opposition between divine and human law corresponds to the traditional opposition between "natural" and positive law. On this question, see Hegel's *Natural Law*, translated by T.M. Knox with an introduction by H.B. Acton (Pittsburgh, Pennsylvania: University of Pennsylvania Press, 1975).
- 11 Hegel's *Phenomenology of Spirit*, translated by A.V. Miller (Oxford: Oxford University Press, 1979), p. 276. Hereafter identified parenthetically in the text with the notation (PhS).
- 12 Hegel's *Aesthetics: Lectures on Fine Art*, translated by T.M. Knox (New York: Oxford University Press, 1977).
- 13 George Steiner, *Antigones* (Oxford: Clarendon Press, 1984), p. 21.
- 14 Hegel (1801). *The Difference between Fichte's and Schelling's System of Philosophy*, translated by H.S. Harris and W. Cerf. (Albany, New York: SUNY, 1977) *passim*.
- 15 On this point, see especially Gasché's *The Tain of the Mirror* (Cambridge, Massachusetts: Harvard University Press, 1986).
- 16 *Ibid.*, p. 20.
- 17 Hegel, *Science of Logic*, translated by A.V. Miller (New York: Humanities Press, 1969), p. 55, para. 14.
- 18 For more on this point, see John Protevi, "Derrida and Hegel, Différance and Unterschied" *International Studies in Philosophy* XXV: 3, 1992, pp. 59–74.
- 19 Hegel, *The Difference Between Fichte's and Schelling's System of Philosophy*, translated by H.S. Harris and W. Cerf (Albany, New York: SUNY, 1977), p. 103.
- 20 Rodolphe Gasché, *Inventions of Difference* (Cambridge, Massachusetts: Harvard University Press, 1992), p. 111.
- 21 Hegel, *Science of Logic*, pp. 440–41.
- 22 *Ibid.*, p. 107.
- 23 *Ibid.*
- 24 It is interesting to note with Derrida that Hegel's examination of the structures of kinship seems "limited." As he says, "In the family, he considers only a restricted number of elements and relations: husband/wife, parents/children, brother/sister. Not grandparents, neither uncles nor aunts, neither male nor female cousins, not a possible plurality of brothers and sisters – this last relation always remains singular" (G: 147a).
- 25 It is particularly interesting to note Hegel's insistence on the impossibility of incestuous feelings between brother and sister given the particularities of the family that he investigates. Indeed, Derrida interrupts his discussion of Antigone's place in the Hegelian system, with a twelve-page set of excerpts of letters between Hegel and his sister Christiane. These letters suggest that Hegel's relationship with his sister – who died young and apparently at her own hand, after an unsuccessful therapeutic "treatment" by Hegel's friend Schelling – was itself infused with a kind of repudiated sexual desire. See (G: 151–62.)
- 26 Sophocles, *Antigone*, unabridged republication from the volume *The Dramas of Sophocles Rendered in English Verse Dramatic and Lyric* by Sir George Young, published by J.M. Dent and Sons, London, 1906 (New York: Dover Publications, 1993), p. 34.
- 27 The way that singularity disappears in its appearance is most graphically demonstrated by the dating of poetry. The paradox is that the singular vision that marks poetry as *poetic*, is made meaningful to its readers only through the strictly generalizable set of codes and conventions which govern the intelligibility of language. While the convention of dating poetry enacts or embodies the "here-and-nowness" of the poem, in its very repeatability as a code signifying "now," it also belies the

very "here-and-nowness" that it denotes. In other words, the date, as a codified mark – the codified mark of "here" and "now" on a page – can be repeated many times on many other pages, "then" and "there." Thus, while the date itself announces "here, now" it also simultaneously enacts "not here, not now." The very moment that the date records, as Derrida points out, is, strictly speaking, absolutely unrepeatable. The "now" that the date represents is identical only to itself; as a unique "now" it is unintelligible, mute, unrepeatable, unrecognizable. Thus, in order to be readable, the singular meaning of the date – literally, the moment which the date records – must "render itself unreadable." As Derrida says, "it is necessary that in a certain manner it divide itself in repeating, and by the same stroke encipher or encrypt itself ... It must efface itself in order to become readable, to render itself unreadable in its very readability. For if it does not annul in itself the unique marking which connects it to an event without witness, without other witness, it remains intact but absolutely indecipherable. It is no longer even what it has to be, what it will have had to be, its essence and its destination, it no longer keeps its promise, that of a date." In order to become intelligible, the unrepeatability of the date must divide itself against itself, so that it announces simultaneously, "here-now, not-here-now"; this is how it becomes unreadable in its very readability. See Jacques Derrida, "Shibboleth: For Paul Celan," in *Acts of Literature*, ed. Derek Attridge (New York and London: Routledge, 1992), pp. 389–90.

28 Although, the question remains to be seen if this excluded element, what Derrida also refers to as "the system's vomit," is Polynices' singular body, Antigone herself, or "the brother/sister relation" (G: 14a, 121a).

29 Derrida, "Force of Law: The 'Mystical Foundation of Authority,'" in *Deconstruction and the Possibility of Justice*, ed. Drucilla Cornell, Michael Rosenfeld, and David Gary Carlson (New York: Routledge, 1992), p. 89.

30 Freud, S. "Mourning and Melancholia" in *On Metapsychology: The Theory of Psychoanalysis*, translated by James Stachey, compiled and edited by Angela Richards. Penguin Freud Library, vol. 11 (London: Penguin Books, 1984), p. 253.

31 Ibid.

32 Ibid.

33 "To this great opposition (the law of singularity/ the law of universality) is ordered a whole series of other couples: divine law/human law, family/city, woman/man, night/day, and so on" (G: 142a).

34 As Derrida says, "This is the law, the law of mourning, and the law of the law, always in mourning, that it would have to fail in order to succeed. In order to succeed, it would well have to *fail*, to fail *well*. It would well have to fail, for this is what has to be so, in failing *well*. That is what would have to be. And while it is always promised, it will never be assured." Jacques Derrida, "By Force of Mourning," *Critical Inquiry*, translated by Pascale-Anne Brault and Michael Naas, 22: 2, winter 1996, pp. 171–92.

35 Derrida, "Force of Law," p. 15.

36 Ibid.

37 Ibid., p. 24. This is what Derrida means when he says: "Justice as law is never exercised without a decision that *cuts*, that divides ... The undecidable, a theme often associated with deconstruction, is not merely the oscillation between two significations or two contradictory and very determinate rules, each equally imperative ... The undecidable is not merely the oscillation between or the tension between two decisions; it is the experience of that which, though heterogeneous, foreign to the order of the calculable and the rule, is still obliged to give itself up to the impossible decision, while taking account of law and rules." For more on deconstruction's relationship to oscillation, see my discussion of it in the next chapter.

- 38 Gasché, *Inventions of Difference: On Jacques Derrida* (Cambridge, Massachusetts: Harvard University Press, 1995), p. 15.
- 39 Peggy Kamuf, "Deconstruction and Feminism," in *Feminist Interpretations of Jacques Derrida*, ed. Nancy J. Holland (University Park, Pennsylvania: Pennsylvania State University Press, 1997), p. 117.
- 40 Spivak, "Displacement and the Discourse of Woman," in *Feminist Interpretations of Jacques Derrida*, ed. Nancy Holland (University Park, Pennsylvania: University of Pennsylvania Press, 1997), p. 44, my emphasis.
- 41 For an analysis which focuses on this tendency in philosophy, see Luce Irigaray, *This Sex Which is Not One*, translated by Catharine Porter (Ithaca, New York: Cornell University Press, 1985); or Michele Le Doeuff, *Hipparchia's Choice: An Essay Concerning Women, Philosophy, etc.*, translated by Trista Selous (Oxford: Basil Blackwell, 1991).
- 42 Kamuf, "Deconstruction and Feminism," p. 117.
- 43 Sarah Kofman, "Ca Cloche," in *Derrida and Deconstruction*, ed. Hugh Silverman (New York and London: Routledge, 1989), p. 125.
- 44 Spivak, "Displacement and the Discourse of Woman," p. 53.
- 45 Derrida, "The Pit and the Pyramid," in *Margins of Philosophy*, translated and with an Introduction by Alan Bass (Chicago, Illinois: University of Chicago Press, 1982), p. 107.
- 46 Kofman, "Ca Cloche," p. 127.

Generalizing the economy of fetishism

The difference between men and women is like that between animals and plants. Men correspond to animals, while women correspond to plants because their development is more placid and the principle that underlies it is the rather vague unity of feeling. When women hold the helm of government, the state is at once in jeopardy because women regulate their actions not by the demands of universality but by arbitrary inclinations and opinions. Women are educated – who knows how – as it were by breathing in ideas, by living rather than by acquiring knowledge. The status of manhood, on the other hand, is attained only by the stress of thought and much technical assertion.

Hegel, *Philosophy of Right*, 1991

Perhaps the promise of the phallus is always dissatisfying in some way.

Judith Butler, *Bodies that Matter*, 1993

My pleasure is in the oscillation.

Jean Genet, *The Thief's Journal*, 1994

Gayatri Spivak tells us that according to Derrida, the modern philosophical project has been to “de-fetishize philosophy” by identifying the fetish in philosophical concepts and texts, and to replace the fetish with the actual “thing” it is purported to stand in for.¹ Unlike modern philosophies of the Enlightenment that seek to de-mystify thinking by way of dialectical thought, the deconstructive economy of undecidability “plays” like a fetishist “with the dialectic.” A fetishistic desire is neither dialectical nor undialectical, but one that takes pleasure, as Jean Genet says in this epigraph, “in the oscillation.”² Spivak emphasizes that what is unique about deconstructive readings is not that they de-fetishize, but rather that they thematize the fetishistic nature of thought itself. In this sense, deconstruction is different from the de-fetishizing philosophies it draws on, because, unlike them, it constitutes what I have been calling throughout this book, a generalized economy of desire, or what I will call in this chapter, an economy of the undecidable.

As we have seen, Hegel’s dialectic works through determining general difference as abstract negation. Insofar as thought itself works negatively, by

insisting on distinguishing between “this” and “that,” it works through a process of *decision*. Deconstruction works at a “point of almost absolute proximity” to this mode of dialectical contradiction, insofar as it enacts a strategic occupation of the *Aufhebung*. Its general economy of undecidability becomes the central operator of the dialectic in order to inscribe the *remains* of the decision back within the dialectic itself. This strategy, as I demonstrated in Chapter 1, renders the dialectic’s aim (absolute knowledge or representation) impossible. In effect, deconstruction renders the dialectic impotent.

It is no mistake that this description of deconstruction raises the specter of the phallus in a variety of valences. In the opening pages of *Glas*, Derrida recalls a scene from Hegel’s *Aesthetics*, where women raise a giant phallus in an Ancient Greek celebration, while simultaneously evoking Hegel’s description of the “phallic column of India,” only to in turn refer to his own “erection” of Hegel’s name (G: 2a, 4a). *Glas* plays between the image of Hegel, stern German professor, and that of Jean Genet, French avant-garde writer, homosexual, and thief. In some moments the book seems to be so phallus-ridden that, notwithstanding its intention to work against phallogocentrism,³ it seems another tired celebration of the philosophical “member.” Indeed, despite Genet’s obsession with the identity of his mother, who gave him her name only to abandon him, and the figure of Antigone, whose mourning we witnessed in the previous chapter, this text is so rife with men and their phalluses that at times it seems just another wearying celebration of masculinity.

However, I argue that something more interesting than simply another phallus-fest is going on in *Glas*. While deconstruction is always an investigation into the remains of the decision, each moment of deconstruction is also an investigation into a *particular* decision, which is why deconstruction is always occasional. In this chapter, I argue that the structure of *Glas*, which oscillates, never deciding between the two columns, simulates fetishistic desire itself. Specifically, the structure of the book is strategically designed to negotiate the particular decision whose remains are under investigation here: that enacted by castration. Of course, on a psychoanalytic reading, castration establishes the distinction between male and female. However, Derrida takes a cue from Freud, and notices that the decision of the thing a fetish is meant to stand in for is suspended. For Freud, the question of whether the fetish stands in the place of a *penis* is infinitely deferred.⁴ If the condition of possibility of the fetish is the impossibility of just such a decision, then Derrida’s strategy of generalizing the economy of the fetish, as he points out, takes the phallus out of the center of the text.

While most feminist engagements with Derrida’s work have focused on 1979’s *Spurs: Nietzsche’s Styles*, I argue that Derrida’s reading of Hegel in *Glas* is equally, if not more, important for contemporary feminist and queer theory. While Derrida’s strategy in *Spurs*, following Nietzsche, was to read the sign “woman” as the remainder and excess of truth, and thus as the

confirmation of the untruth of truth, his strategy for reading Hegel in *Glas* focuses less on truth's remains, and instead on the remains of sexual difference itself.⁵ Derrida writes "as a woman" – a woman bearing a prosthesis – a strategy which has raised many suspicious feminist hackles. However, by comparing this strategy to recent discussions of the so-called "lesbian phallus," I want to argue that, insofar as Derrida demonstrates the irreducibility of the sexed body, and violently throws it into question as the common-sense "ground" of feminist practice, *Glas* offers much to contemporary feminist theory. More specifically, while Derrida's interlocutor in *Glas* remains Hegel, it is actually a certain Oedipalized psychoanalysis that is the target of this deconstruction. The de-Oedipalizing gesture in *Glas* offers the possibility for an account of "how it is that bodies materialize," which refuses the choice offered by the theory of castration, the theory that describes how in one critical moment, the child acquiesces to sexual difference, generational difference, and a heterosexual matrix.⁶

In what follows, I briefly rehearse the Freudian theory of fetishism in order to describe how the oscillating structure of *Glas* mimics that of the fetishists' desire "to play two scenes at once." In the third section of this chapter, I contrast Derrida's strategy of writing as a woman with a "false prosthesis," with two "women" who also take up that phallus, and who have objected to Derrida's strategy.

Freud's fetish

In his many writings on sexuality, Freud declared that the relationship between sexual instincts and their objects is neither natural nor stable. Sexual instincts follow those objects most suited to fulfilling their aims in a process of negotiation between the contingencies of an individual's life circumstances, and the nature of the demands for satisfaction. In this sense, there are no natural objects for any sexual drive, although there are certainly normative ones. In other words, objects of desire are entirely arbitrary. On this reading, fetishists have not deviated from *nature*, but from a social norm. Thus, so-called "perversions" lose their pathological sense in Freud's theory. Indeed, in the *Three Essays on Sexuality*, he claims that perversion is simply the reverse of neurosis. While the neurotic acts in a symptomatic way on the basis of an unwanted repressed libidinal demand, the pervert acts with a feeling of certainty on the basis of an external demand that she disavows.

The difference relates to the classic case of castration during the Oedipal crisis: the moment when the boy child must make a momentous and impossible forced choice, which is then either repressed or disavowed. The moment occurs when the father, who threatens to castrate the boy child unless he "gives up" his mother, interrupts the dyad of mother and child. For "ordinary" neurotic development, the child represses his incestuous desire in exchange for two compensations: the maintenance of his penis, and his desire's symptomatic

expression in the promise that he will one day grow up to have a “mother/woman” of his own. But in some cases, the boy children refuse to take their father’s threats seriously; they simply “deny” the fact of castration. Their blissful state of denial cannot last, for eventually the children will see a woman’s genitals, and even those children who were previously fearless in the face of the paternal injunction realize that the threat of castration is not idle. If mother has been castrated, so too could they be. In fetishism, the child literally refuses to believe his own eyes and disavows this reality. The disavowed knowledge returns in the form of the fantasy that mother hasn’t been castrated; she has simply *misplaced* her penis.

Indeed, for Freud the classic case of perversion is fetishism, and his interest in the notion spans the body of his work. He first mentions it in his 1905 “Three Essays on the Theory of Sexuality,” and last mentions it in the 1940 paper, “Splitting of the Ego in the Process of Defense.” In his essay “On Fetishism,” Freud tells the story of the boy child who ignores his father’s threat and gains sight of his mother’s genitals while playing at her feet and looking up her skirts. The reality of her castration is disavowed through a replacement; the replacement for her “missing” penis is an object close at hand: her shoe. The shoe becomes a fetish object to the extent that it stands in the boy child’s subsequent erotic enactments for the maternal phallus. As Freud says:

some process occurs which reminds one of the stopping of memory in traumatic amnesia ... the subject’s interest comes to a halt half-way, as it were; it is as though the last impression retained before the uncanny and traumatic one is retained as a fetish. Thus, the foot or shoe owes its preference as a fetish – or a part of it – to the circumstance that the inquisitive little boy peered at the woman’s genitals from below, from her legs up.⁷

Elsewhere in the essay he writes that “the fetish is not a substitute for any chance penis, but for a particular and quite special penis: the mother’s.”⁸ This statement raises some rather immediate questions about signification and representation, processes in which we anticipate a substitute as standing in for an original, for a thing-itself. In the case of fetishism, the original (missing maternal phallus) is not the origin for the substitute (fetish) but rather, insofar as the “missing” maternal phallus only has an existence as it is commemorated by the fetish itself, the stand-in (fetish object) creates the origin.

The decision of the *thing* the fetish represents – whether it stands in the place of a penis or not – is the very decision Freud defers. This point is crucial. For, unless the fetish is understood to be opposed to a thing-itself – the thing that the fetish is supposed to be substituting – the concept “fetish” becomes meaningless. A substitute, in other words, must substitute for *something*, or it cannot properly be called a substitute. In fetishism, the maternal phallus only

has an existence insofar as it is commemorated by the fetish itself; the mother's "original" penis is not the origin of its substitute (the fetish), but rather the unconscious substitution becomes the origin. In this sense, not only does the fetishist depend on an economy of undecidability, but Freud remains undecided himself on the theory of fetishism.

The undecidability is whether the fetish could simply be the mark of a "missingness" that is only ideologically, but not necessarily structurally, tied to penises, real or imagined. For example, while in "On Fetishism" Freud is unambiguous in his claim that "the fetish is a substitute for the woman's penis" (Freud 1927: 352), in his article "Negation" (1925) he dodges the question of what the fetish is substituting for. Like the man for whom the fetish signifies the twin possibilities that mother *has* and *has not* been castrated, Freud keeps open both the possibility that the fetish replaces *something*, and that it replaces *nothing*, whether the fetish is opposed to something, or whether the fetish stands opposed to nothing with no original.⁹ With his theory, Freud plays like a fetishist at having his cake and eating it too, but in so doing he mobilizes a generalized economy, or *différance*. Without the suspension of an important decision – the question of whether the fetish is a substitute for *anything* – the fetish itself would not be possible. In the same way that a "generalized" understanding of writing – writing as the space between words – makes the distinction between speech and writing possible, the possibility of "fetish" itself is made possible by a generally fetishistic suspension of the question of what the fetish stands in for.

Therefore, it is important to note that in fetishism the disavowal of maternal castration is not complete because fetishism violates the proper (chronological) order of time. Through the generalized economy the fetishist is able to occupy two "nows" at the same time. It is not that the fetishist mistakenly believes that his mother *does* have a penis, but that instead of having repressed the knowledge of the fact that the maternal phallus is missing, he has generally suspended the decision about its existence. As Freud says, "It is not true that, after the child has made his observation of the woman, he has preserved unaltered his belief that woman has a phallus. He has retained that belief, but he has also given it up."¹⁰

Freud is at pains to tell us that in the case of a man whose *fétish* was an athletic supporter that covered over the genitals entirely, analysis revealed that its significance lay in its concealment of the dual possibility that women were castrated, and that they were not castrated. Both of these possibilities were concealed beneath the supporter.¹¹ Mother *is* castrated, mother is *not* castrated; there is one sex, there are two sexes, etc. The fetishist oscillates, shifts constantly between two seemingly contrary sets of hypotheses, but this indecision is not experienced as traumatic. Indeed, Freud argues that the fetishist was highly unlikely to arrive for treatment on the basis of this sexual "deviation," for, as Freud says, "though no doubt a fetish is recognized by its adherents as an abnormality, it is seldom felt by them as the symptom of an

ailment accompanied by suffering.”¹² Indeed, as Sarah Kofman points out, “the benefit of fetishism consists in playing in two scenes at the same time.”¹³

Playing two scenes at once

As I have suggested, this oscillating fetish structure is also the structure of *Glas*. In fact, Gayatri Spivak refers to the layout of *Glas* as a “Double Session” of “the legend of the fold (*pli*) and the blank (*blanc*): Each page is folded dis-symmetrically down the middle, for Hegel and Genet can never be identical. The equation is never balanced, reading and writing never coincide, and the page is never quite folded *up*.”¹⁴

What I have argued so far in this book is that the condition of possibility for any decision is generalized difference or *différance*, which means that any decision between “this” and “that” is never complete. A *fold* marks each decision. This is significantly distinguished from a cut that would decisively separate “this” from “that.” A fold marks the division, but leaves “this” and “that” entwined. Furthermore, since the decision involved in all abstract negation takes place in and through *différance*, each moment of abstract negation makes a singular decision.

In light of Freud’s discovery of the unconscious, we can understand that a generalized economy is the condition of possibility of sexual difference. Precisely in the way that *différance* is the condition of possibility for all decisions, so too is it the impossible condition of possibility for the decision between the sexes. In other words, the two sexes are each marked not by a castrating cut, but by a fold, which signals the impossible decision (that happens anyway) and leaves a structure of undecidability between them. Thus, the discourse of pure and absolute sexual difference – castration – covers over the ways that sexual identity is always caught in a double bind.

In order to address the question of castration and the double bind of sexual identity, Derrida develops the notion of “antherrection” (both “anther”-erection, and anti-erection). The logic of the antherrection is inimical to that of castration insofar as what is “cut” is not lacking or absolutely divided. Like the two figures that structure the text, each sex is bound to the other in a double bind, where being sliced or slashed by the other is necessary to their existence as separate at all. Thus, antherrection is a concept which “does not erect itself against or *in spite of* castration”; rather, “it ... bands erect castration” (G: 130b).¹⁵

Importantly, the antherrection depends upon the idea of an originary supplement that Derrida calls “prosthesis” (G: 138b). Like Genet’s lover, Stillitano, who draws strength from his stump, the prosthesis is not, as Kofman reminds us, “erected afterwards to disguise a deficiency.” Rather, the prosthesis is “a machine” that does not work in the service of meaning.¹⁶ So, while castration (an event which would decide between the sexes) has never taken place, one cannot say that there is *no* castration, for “castration” is another

name for the possibility of sexual difference.¹⁷ Thus, the antherectomy is not a logic of uni-sexuality, but rather one which oscillates between the choices: castrated or not. This while, as I have suggested, the economy of castration is restricted in that the question of who has what organ has been decided.

The event of castration decides who *has* and who *is* the phallus, and thus decides, in rather precise ways, how desire is distributed.¹⁸ He who *has* the phallus has a "masculine disposition" whose primary sexual object is his mother, whereas she who *is* the phallus, insofar as she makes of her own body a narcissistically invested fetish, displays a typically "feminine" disposition whose sexual aim is her father. The masculine disposition is never oriented toward the father as an object of sexual love, and neither is the feminine oriented toward the mother. Judith Butler has criticized Freud on this, pointing out, "even within Freud's thesis of primary bisexuality, there is no homosexuality, and only opposites attract."¹⁹ The general economy of fetishism, on the other hand, is *more powerful* than the restricted economy of castration. For the general economy, the economy of general difference that has not yet been decided, is the condition of possibility for the restricted economy of castration in the first place, as it is the decision on difference that "restricts" difference. The antherectomy enacts a displacement of castration's effects.

To undertake this displacement Derrida uses the prosthesis. For instance, he designed *Glas* with the intention to create a tomb for Hegel, whom he will bury and mourn. In this sense, Derrida performs those rites that Hegel names as necessarily feminine (G: 143a–144a). If it is the fact that Kant held that men never want to be women, while women always want to be men, Derrida asks: "What would it mean, for a man, to want to be a woman, seeing that the woman wants to be a man?" (G: 13a). However, Kant further specifies that women do not really want to be men, but rather to "adorn themselves" with male attributes to better seduce men. According to Kant, woman's desire is not so much to *be* a man, but rather to simulate maleness. Following this logic, a man who wanted to be a woman would want to be a woman *who simulates maleness*. This is why Derrida goes on to say:

Either the man who wants to be only a man wants to be a woman inasmuch as the woman wants to be a man; so he wants to be a woman in order to remain what he is. Or else the man who wants to be a woman only wants to be a woman since the woman wants to be a man only in order to reach her womanly designs. To wit, the man. And so on.

(G: 130a)

The conclusion is that a man, who wanted to be a woman, wants to simulate maleness through adorning himself with false phalluses. This is how Derrida characterizes his position: he has become a woman with a fetish. This strategy of "cross-dressing" makes use of what Derrida refers to as the singularly heterogeneous statements in the Freudian text, upon which the discourse of

castration depends. These heterogeneous statements are singular to the extent that they cannot be interned into the restricted heterogeneity of the ontological system. The singularity of these statements (on fetishism for example), Gasché points out, "derive from the fact that they can (and will) always go both ways, that they are divided in two, and lend themselves to two readings."²⁰

Spivak describes the antherectomy as a "nickname," or, "the structure of the absence-presence of the 'thing' in the sign."²¹ Antherectomy is the nickname for the infinitely deferred fantasy of the absolutely singular. As I have argued, deconstructive readings routinely observe that the singular thing-in-itself that Hegel believed his semiology to have captured, the precise magic quality of each of God's creations which, for Walter Benjamin, only the lost language of names could capture, the unrepresentable that has been traditionally figured by "woman," the original referent from which generality and hence signification and meaning flow, are all *missing*. The absolutely singular, regularly represented as the singular nature of "woman," is the ground that the euphoria of abyssal falling always desires: the transcendental signifier itself, the name of God, and the phallus.

Feminism and deconstruction

The strategy of writing "as a woman" has earned Derrida few feminist sympathizers. Rosi Braidotti has argued that Derrida's work domesticates feminist theory: while it makes use of categories developed strategically by feminist thought, it at the same time effaces the specificity of feminist political struggle.²² She suggests that his work is part of a general tendency within contemporary theory to use the metaphor "woman" in order to question truth, knowledge, and subjectivity, when women themselves have never been granted these social goods. Indeed, her argument can be understood as representative of many other feminists' hostility towards much contemporary poststructuralist thought.²³

However, Alice Jardine points out, while Derrida routinely describes explicitly feminist projects such as the quest for autonomy and equality as "phallogocentric," at the same time his "observations tend to strike a continuous, at least potentially feminist note."²⁴ Like many of his contemporaries in France, Derrida insists that writing is a feminine operation ("feminine" to be importantly distinguished from so-called "real" women) that must be released from metaphysical bondage. However, while the question of sexual difference is never far from Derrida's concern, there is no simple way to situate his work with respect to feminist politics.

Because Derrideanism is a philosophy of the unnatural and, on occasion, of the supernatural; as a project, it is about the necessary culturalization of nature. To the extent that natural words and the natural world are at the foundations of all Hellenistic philosophies, Derrida denaturalizes both

the word and the world according to a logic that can move in its range from pyramids to wells, sources to trees, circles to rectangles. Anything natural (and therefore coded as feminine or maternal) is susceptible to denaturalization through Derrida's logic of the between.²⁵

While Jardine finds Derrida's project fascinating with respect to its reading of sexual difference, like many other feminists, she is "impatient" with Derrida's use of "woman" (particularly in *Spurs*) as a metaphor for the unassimilable element in phallogocentric texts. For while there may be some merit in affirming this metaphor as subversive, Elizabeth Grosz reminds, "it is also a name (albeit an 'improper' one) for women."²⁶ Even Spivak, who has made a career of "translating deconstruction" for feminism has said:

If women have always been used as the instrument of male self-deconstruction, is this philosophy's newest twist? ... [W]ith respect, we cannot share in the mysterious pathos of the longing [for woman]: for a reason as simple as that, the question of woman in general, asked this way, is *their* question, not ours.²⁷

As Spivak argues, despite Derrida's insistence that there is only a figural relationship between such deconstructive concepts as "double invagination" or "hymen," and "real" vaginas or female personhood, "the strength of his own methodology will not allow such a totalizing exclusion and its binary opposition to stand."²⁸ Similarly, Jardine wonders:

why Derrida did not operate a complete reversal – on the testicles, for example, as perfect paragon of any male text: why have they not received the same dramatic space as the hymen, given that the latter has been the object of male fantasy for centuries?²⁹

Indeed, despite his stated objection to phallogocentrism, Derrida has on more than one occasion spoken either ambivalently or derisively about the women's movement. Derridean deconstruction has been routinely dismissed by all but a handful of feminist writers. For his part, Derrida characterized feminists in the same terms that he ascribed to Kant: they are women who want to be men:

Feminism: it is the operation through which a woman desires to be like a man, like a dogmatic philosopher, demanding truth, science, objectivity; that is to say, with all masculine illusions, with the effect of castration which is attached to them. Feminism desires castration – also that of woman.³⁰

And in a 1985 interview, when asked to describe the relationship between deconstruction and feminism, Derrida replied, "I would say that

deconstruction is a deconstruction of feminism, from the start, in so far as feminism is a form – no doubt a necessary form at a certain moment – but a form of phallogocentrism among many others.”³¹ It is statements like these which have prompted Rosi Braidotti to say: “Derrida’s anti-feminism is so well expressed and so explicitly admitted that it does not warrant long discussion.”³²

However, as I argued in the last chapter, “woman” in philosophical texts has always stood in for “truth.” And, insofar as deconstruction is a mode of thought that re-marks the “truth” with what it is both constitutive of, and excessive to, it throws the possibility of both “woman” and “truth” into doubt. For example, it is in these precise terms that Luce Irigaray claims that “one must assume the feminine role deliberately,” despite the fact that “there is no simple, manageable way to leap to the outside of phallogocentrism, *nor any possible way to situate oneself there, that would result from the simple fact of being a woman.*”³³ There are no more powerful critics of the notion of the “essence” of woman than those feminists who have also argued that the repetition of the position “woman” establishes the instability of the very category that it constitutes.³⁴ As these theorists point out, the performance of “woman” does not exhaust subjectivity, for in each repetition, there is always the question of what differentiates the moments of identity that are repeated. In a very similar vein Derrida tells us:

There is no essence of woman because woman averts and averts herself from herself ... For if woman is truth, she knows there is no truth, that truth has no place, and that no one has the truth. She is woman insofar as she does not believe, herself, in truth, therefore in what she is, in what one believes she is, which therefore she is not.³⁵

It seems clear that Derrida distinguishes between two kinds of feminisms: one which is “reactive” in a Nietzschean sense that we might call bourgeois or liberal, where women struggle to “become men,” and another maverick form of feminism, of which Emma Goldman might be the best representative (as Derrida suggested in the 1982 interview with Christie McDonald), where women attempt to subvert masculine privilege.³⁶ In regards to the first form, Derrida has been explicit; this version of feminism buys into the fantasy of castration, the illusion of a pure and unambiguous sexual difference. The second form he sees as working against the first, as a “joyous disturbance” that has brought about “the chance for a certain risky turbulence” in the assignation of “sexual identity cards.”³⁷

I want to suggest that the question arising from Spivak’s statement cited above, the question of who constitutes the “we” and the “they,” or of how to distribute, in Derrida’s formulation, “sexual identity cards,” is exactly what Derrida is radically throwing into question in *Glas*. For the “we” who have a different relation to the question of “woman,” “we” who are named

(improperly) as "woman" are presumed to be those who live in the sexed body marked female. As Judith Butler has persuasively argued, "the presumption of the material irreducibility of sex has seemed to ground and to authorize feminist epistemologies and ethics, as well as gendered analyses of various kinds."³⁸ In short, the marker "woman," the (im)proper name for women, has always been a metaphor for the irreducibility of matter itself. With this question of the seeming irreducibility of matter in mind, I would like to try to make use of that irreducibility via the question of the lesbian phallus.

As Grosz puts it most boldly, "the question of the ontological status of sexual difference is one of the most central issues facing feminist theory today: at its centre lies a whole series of issues that occupy the major concerns of feminism in the 1990s."³⁹ Unless we have sexually differentiated bodies as a basis, how can we be sure who "is" or "is not" a woman? How can we launch a movement whose object is the advancement of the status of those who fall under that name?

These questions return us to a recurring theme in this study: the relationship between "things-in-themselves" and the signs that purportedly stand-in for them. In the same way that I suggested in Chapter 2 that Hegel was fully aware that the sign is always troubled by the foreign soul occupying it, I argue now that those very linguistic categories that are understood to denote the materiality of the body are troubled by a referent that can never be contained. In other words, positing a materiality outside of language, where that materiality is understood to be ontologically distinct from language, opens up the question of whether language is made to the measure of its promise to capture that very realm of radical alterity. Indeed, the body as referent persists as a kind of loss that language cannot capture, but which impels language repeatedly to attempt its capture, which it fails at each time.⁴⁰ As Derrida argues, "this phantasm, this desire for an intact kernel, sets in motion every kind of desire, every kind of tongue, appeal, address."⁴¹

To argue that language is not opposed to the materiality of the body in a relationship of absolute difference, is not to argue that language and bodies can be collapsed into one. As Judith Butler puts it, "language and materiality are fully embedded in each other, *chiasmic* in their interdependency, but never fully collapsed into one another."⁴² Indeed, the repetition of the 'singularity of bodies in language stages precisely the encounter that I have thematized throughout this study: the impossible encounter that enacts a "deconstruction" of that language which is transformed, and a betrayal of the body made intelligible through it. Indeed, Judith Butler goes on to argue that answering the question of the relationship between bodies and language "requires first that we offer an account of how it is that bodies materialize."⁴³

Just such an account is given by Oedipalized psychoanalysis, and Derrida is not alone in his critique of it. Psychoanalysis has also long been an object of feminist criticism and fascination. Some feminists have attempted revisionist accounts of psychoanalysis that try to use its radical critical force against its

inherent conservatism. In *The Practice of Love*, Teresa de Lauretis undertakes just such a reading of Freud in her attempts to make psychoanalysis account for lesbian desire. Specifically, de Lauretis' account of the lesbian phallus makes innovative use of the very category under discussion in *Glas*: fetishism. While her text has generated a fair amount of controversy, no one has been more opposed to its central aim than Grosz, who maintains that psychoanalysis "paints so bleak a picture of women's containment within psychical norms of masculinity" that it puts the "intellectual and political status of feminist theory itself" at stake.⁴⁴ While Grosz has described de Lauretis' argument as brilliant and original, she feels it is simply theoretically and politically wrong-headed.⁴⁵ Grosz argues that to make psychoanalysis account for lesbian desire is to bend the discourse beyond its limit of endurance, and to perhaps resuscitate it when it would be better euthanized. For the moment, I want to put aside Grosz's criticism to first consider the structure of de Lauretis' account.

De Lauretis has put the insight of the "perverse" model of fetishistic desire, that there is no necessary relationship between instincts and objects of desire, to productive use. The pivotal difference between her notion of fetishism and Freud's is that she makes fetishism – the radical disavowal of a perceived absence – able to be organized around any object. The penis is no longer necessarily the special object for all subjects of desire. According to de Lauretis, for lesbians it is not the maternal phallus that they cannot give up, but their own bodies *qua* body-egos; they will not relinquish a libidinally invested and narcissistically stabilized self.

De Lauretis offers the kind of account that Butler asks for, an account of how the body materializes. She refers to Freud's notion of the ego as something like a "psychical callous," a map of the surface of the body as it appears to the self and to the other. This ego develops out of a complicated dialectic between caregivers' experience of the baby and the infant's introjection of that care onto the fantasized surface of the body. This is no mere map, but the very deepest sense that the subject has of her own existence. The accomplishment of a body-ego is tantamount to accomplishing self-hood or existence as such. Narcissistic wounds to the body-ego, then, are tantamount to wounds that threaten existence. In a reading of Radclyffe Hall's *The Well of Loneliness*, and Cherrie Morraga's *Giving up the Ghost*, de Lauretis discovers a recurring lesbian fantasy of castration as bodily dispossession. The threat of castration is only normatively understood as the removal of the penis. It equally means the threat of bodily dispossession in general. For the "female subject of perverse desire," what is threatened with loss is her own body, experienced as lovable, and thus inhabitable.

This is the crux of de Lauretis' argument. The "lost object" of perverse desire is not the phallus; it is the subject's own body, which can be recovered in fantasy and sexual practice only with another woman. Thus, lesbian fetishes signal not a disavowed missing maternal phallus, but a disavowed wounded

body-ego; and the fetish objects themselves are no more related to the body-ego than the shoe was to the maternal phallus for our little boy. Much more could be said about de Lauretis' theory. Indeed, there is a whole aspect that I am ignoring here: a fascinating account of the process of sexual structuring as habit. But I would like to return to Grosz's criticism of de Lauretis, in terms of the impossibility of de-linking psychoanalytic concepts of castration, fetishism, and desire, from a necessary relation to the presence or absence of the phallus. While Grosz admires de Lauretis' intellectual tour de force, she is adamant that a discourse like psychoanalysis that remains so heavily reliant on concepts like the Oedipus complex, the castration complex, penis envy, etc., simply cannot account for what is necessarily beyond its scope. In short, if you leave the phallus in the psychoanalytic picture, you obscure the very possibility of lesbianism, and if you take the phallus out of the picture, in order to account for lesbianism, you are no longer even talking about psychoanalysis.

In general, Grosz's objections can be understood in terms of the question I have been suggesting so far: "Is it possible to think about desire apart from the question of presence or absence of a special something?" Grosz's reply is no, it is not. It is not possible in the context of the history of Western philosophy. Her solution is to discard the dominant model of desire – one extending from Plato through Hegel to Freud – and to replace it with a model which figures desire not in reference to "lack," but to production. Philosophically speaking, she suggests we consider bypassing the dominant route, and choose instead a minor route, which figures desire not in terms of presence, absence, or depth, but in terms of surfaces, intensities, and flows.⁴⁶

In response to this, I would argue that the philosophical tendency to imagine desire and the self in terms of lack and depth has accurately named (and amplified) a peculiarly modern experience. That is to say, while I don't want to call Grosz naive, her approach does not take seriously enough the reason why this tendency to figure desire and self-hood in terms of lack and depth has been so stubbornly resistant to criticism. Namely, because it resonates with a prevailing common sense, a common sense that is ideologically justified on the basis of "scientific" discourses like psychoanalysis. I am not arguing that we innately experience ourselves in terms of lack and depth, or that Western philosophy makes us believe we do, but that in this particular historical period we have been produced. And a part of the processes that produce us this way is the dominant philosophical tradition. The answer to the phallo- and hetero-centricity of psychoanalysis doesn't seem to me to be as simple as picking a different philosophical idiom more amenable to our experiences and desires. It seems to me that the description of desire as lack describes our experience of desire no less and no more than any other.

However, I would counter de Lauretis from another angle. She is as successful as she is in providing the account that she does, precisely because in fetishism she has found one of the essentially unstable moments in psychoanalysis itself. However, her use of fetishistic disavowal takes Freud at his

word. Her own theory of lesbian desire continues to distinguish between certain kinds of people who have become dominated by processes of disavowal – lesbians – from others who are dominated by the more “normal” process of repression. In this sense, de Lauretis’ use of fetishism remains at the level of a restricted economy.

On my view, de Lauretis won the first round, but Grosz must be given the second. For example, among Grosz’s objections was that in proposing a specifically “lesbian psychology,” de Lauretis continued to leave inexplicable the desire of those who have not always been lesbian. Grosz bears repeating on this point. She writes:

De Lauretis seems to be proposing the possibility of ... an etiology of lesbianism that distinguishes the structure of lesbian desire from the structures of heterosexuality, not simply in terms of a distinction between love-objects, but also in terms of different body-images and representations, and thus a different symbolic and imaginary ... If there is such a difference, this seems to problematize the position of those women who ‘become’ lesbians, which, ironically, is how she characterizes herself. Just as the feminine lesbian constitutes a point of blindness for orthodox psychoanalysis, de Lauretis seems to have difficulty accounting for those who have become lesbians. Do they undergo a change in psychology (a transfer from repression to disavowal?) ... If there is a systematic difference in the desire of lesbians and heterosexual women, how can such mobility be accounted for? Unless there is a common structure of desire [between lesbians, bisexual, and heterosexual women] the openendedness of desire in its aims, objects, and practices cannot be adequately explained.

Elizabeth Grosz, “Ontology and Equivocation,” in
Space, Time and Perversion, 1995, p. 69

In the terms that I have developed here, de Lauretis performs a re-inscription of fetishism’s restricted economy. De Lauretis understands fetishism as an actual process, as a mode of desire which has an existence. As I hope my analysis has indicated, fetishism can be understood as a structure in psychoanalytic theory that makes various kinds of desire possible but, like *différance*, whose structure it simulates, also covers over that opening by positing itself as an actual mode of desire. By keeping fetishism restricted to a given mode of desire, in other words, by finally deciding on the question of fetishism, de Lauretis has slipped into the metaphysics of presence. She has made fetishism, which is the condition of possibility for different kinds of desire, a mode of desire itself.

On the other hand, a generalization of the economy of fetishism would make the traditional opposition of feminine and masculine undecidable, without either their being the other’s opposite, or its complement. While an initial gesture of generalization of the economy of fetishism makes de Lauretis’ theory possible, de Lauretis pulls back from the radical openness such a

gesture introduces when she decides again on fetishism. With that impossible openness of the general economy in mind, Derrida's response to the feminist query of what it would mean for "woman" to figure as something other than the "other of the same" must remain somewhat unsatisfactory. But, he was asking a different question, namely: "What would philosophy look like if the question of sexual difference were left radically undecided?"

Notes

- 1 Gayatri Chakravorty Spivak, "Displacement and the Discourse of Woman," in *Feminist Interpretations of Jacques Derrida*, ed. Nancy Holland (University Park, Pennsylvania: Pennsylvania University Press, 1997), p. 53. Interestingly, Seyla Benhabib identifies Hegel's method as "the origin" of "defetishizing critique," which she describes as "a procedure of showing that what appears as a given is in fact not a natural fact but a historically and socially formed reality," in *Critique, Norm and Utopia: A Study of the Foundations of Critical Theory* (New York: Columbia University Press, 1986), p. 21.
- 2 Derrida, *Glas*, translated by John Leavey (Lincoln, Nebraska: University of Nebraska Press, 1986). Hereafter designated with the parenthetical comment (G), p. 210a, quoted in Spivak, *ibid.*, p. 54.
- 3 Spivak gives a pithy description of the interlocking meanings of logocentrism, phallogocentrism, and phallogocentrism, when she says: "It is the prerogative of the phallus to declare itself sovereign source. Its causes are also its effects: a social structure – centred on due process and the law (logocentrism); a structure of argument centred on the sovereignty of the engendering self and the determinacy of meaning (phallogocentrism); a structure of the text centred on the phallus as the determining moment (phallogocentrism) or signifier." In "Displacement and the Discourse of Woman," p. 44.
- 4 This point is crucial. Unless the fetish is understood to be opposed to the thing the fetish is supposed to be standing in for, the concept becomes meaningless. A substitute must substitute for *something*, or it cannot properly be called a substitute. In this sense, Freud has radicalized the traditional notion of the fetish with his insight that the original maternal phallus was, in a Derridean vernacular, an original *supplement*. At the same time, Freud's notion of the fetish does not break radically with the restricted economy in which it operates. In Derrida's words, the fetish must be understood as "opposed to the presence of the thing itself, to truth ... [Somewhere] there is a non-substitute, that is what constructs the concept fetish" (G: 209b). Sarah Kofman takes issue with Derrida's reading of the Freudian text. She argues that as far as Freud was concerned there never was a "thing itself," "only an *Ersatz*, prosthesis, an originary supplement to the panicked reaction of infantile narcissism." Derrida responds: "You say that what functions in [Freud's] text on the thing itself is – and you are right – the mothers' penis. It is not at all the metaphysical thing itself to which the substitute would be opposed, it is already a construction that is called fantasy: I completely agree. But for this fantasy to keep the status of a prop in relation to which other fetishisms would be substitutes, is nevertheless to remain dependent on a formal logic of one or many metaphysics of fetishism." Kofman, "Ca Cloche", in *Derrida and Deconstruction*, ed. Hugh Silverman (New York and London: Routledge, 1989), pp. 122, 134.
- 5 In the traditional reverse and displace "method" associated with deconstructive readings, "woman" is the term associated simultaneously with the veil covering the truth, and with truth that unveils an absence. In *Spurs*, Derrida points to the abyss that opens between these possibilities, and around which the notion of truth circulates. He demonstrates that like the pharmakon (both 'cure and poison) or the

- hymen (both virginity and consummation), "woman" is the metaphor of truth's dissimulation. As he says, "There is no such thing as the truth of woman, but it is because of that abyssal divergence of the truth, because that untruth is 'truth.'" *Spurs: Nietzsche's Styles*, translated by Barbara Harlow (Chicago, Illinois: University of Chicago Press, 1979), p. 51.
- 6 Judith Butler, *Bodies that Matter* (New York: Routledge, 1993), p. 69.
 - 7 Sigmund Freud, "Fetishism," in *On Sexuality*, Angela Richards, ed., translated by James Strachey (New York: Penguin, 1983), p. 354.
 - 8 *Ibid.*, p. 352.
 - 9 Derrida says, "If the fetish substitutes itself for the thing itself in its manifest presence, in its truth, there should no longer be any fetish as soon as there is truth, the presentation of the thing itself in its essence. According to this minimal conceptual determination, the fetish is opposed to the presence of the thing itself, to truth, signified truth for which the fetish is a substitutive signifier ... Something – the thing – is no longer itself a substitute; there is the nonsubstitute, that is what constructs the concept fetish. If there were no thing, the concept fetish would lose its invariant kernel" (G: 209a).
 - 10 Freud, "Fetishism," p. 353.
 - 11 *Ibid.*, p. 354.
 - 12 *Ibid.*, p. 351.
 - 13 Kofman, "Ca Cloche," p. 123.
 - 14 Gayatri Chakravorty Spivak, "Glas-piece: A compte rendu" *Diacritics* September 1977, pp. 22–43, see esp. p. 26.
 - 15 Following Genet's preoccupation with flowers (as well as Hegel's notion of the "innocence" of flower religions, and the analogy he makes between plants and women), Derrida writes extensively of the reproductive life of flowers. The "anther" is the name for the part of the plant that encloses the pollen before fertilization. For more on this dimension of *Glas*, see Claudette Sartillot, "Herbarium, Verbarium: The Discourse of Flowers," *Diacritics* winter 1988, pp. 68–81.
 - 16 Kofman, "Ca Cloche," p. 129.
 - 17 "This does not mean that there is no castration but that this *there is* does not take place. *There is* [*il y a*] that one cannot decide between the two contrary functions recognized in the fetish, anymore than between the thing itself and its supplement. Or even between the sexes" (G: 52a).
 - 18 While this description of having and being the phallus is Lacanian, its roots in Freud are not hard to find. For instance, in his 1914 text "On Narcissism," Freud describes the process by which, as a compensation for her castration and inferiority, the girl develops a secondary narcissistic investment in her own body, treating it as a man might a love-object. In this sense she phallicizes her whole body, making herself the object that desires to be desired.
 - 19 Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990), p. 61.
 - 20 Rodolphe Gasché, *Inventions of Difference: On Jacques Derrida* (Cambridge, Massachusetts: Harvard University Press, 1995), p. 191.
 - 21 Spivak, "Glas-piece: A Compte Rendu," p. 28.
 - 22 Rosi Braidotti, *Patterns of Dissonance* (Cambridge: Polity Press, 1991).
 - 23 The most extreme among these is Somer Brodrib's *Nothing Mat(t)ers: A Feminist Critique of Postmodernism*, whose project is to criticize the whole field of postmodernism. (Melbourne: Spinifex, 1992).
 - 24 *Ibid.*, p. 181.
 - 25 *Ibid.*, p. 182.
 - 26 Elizabeth Grosz, *Sexual Subversions: Three French Feminists* (Sydney: Allen & Unwin, 1989), p. 36.

- 27 Spivak, "Displacement and the Discourse of Woman," pp. 58, 60. It is perhaps important to note that in a reprise of this argument a few years later, Spivak says: "My previous position on [this question] was polemical ... But today, negotiating, I want to give the assent for the moment to Derrida's argument ... It seems to me that if *we* forget that we cannot have a deconstructive feminism which decides to transform the usefulness of the name 'woman' ... *then* we might be acting out this particular scenario, adequately contradicting and thus legitimizing it ... in the interest of giving the desire to punish the alibi of justice." Gayatri Chakravorty Spivak, "Feminism and Deconstruction, Again," in *Between Feminism and Psychoanalysis*, ed. Teresa Brennan (London and New York: Routledge, 1989), pp. 212, 218.
- 28 Ibid., p. 65.
- 29 Jardine, "Men in Feminism," in *Men in Feminism*, edited by Alice Jardine and Paul Smith (London: Routledge, 1987), pp. 191–92.
- 30 Derrida, *Spurs*, p. 45.
- 31 Jacques Derrida, "Deconstruction in America," *Critical Exchange* 17, winter 1985, p. 30. Cited in Diane Elam, *Feminism and Deconstruction: Ms en Abyme* (London and New York: Routledge, 1994), p. 16.
- 32 Rosi Braidotti, *Patterns of Dissonance* (Cambridge: Polity Press, 1991), p. 105.
- 33 Luce Irigaray, *This Sex Which is Not One*, translated by Catharine Porter (Ithaca, New York: Cornell University Press, 1985), pp. 76, 162. While there has, to my knowledge, been no extensive investigation of Irigaray's relationship to Derrida's work, as Margaret Whitford points out, there is no literature whatsoever that examines Derrida's debt to Irigaray. "Reading Irigaray in the Nineties" in *Engaging with Irigaray*, ed. Carolyn Burke, Naomi Schor, and Margaret Whitford (New York: Columbia University Press, 1994), p. 17.
- 34 It is no accident that among these, most are extremely careful readers of Derrida. See, for example, Luce Irigaray, *Speculum of the Other Woman*, translated by Gillian Gill (Ithaca, New York: Cornell University Press, 1985), or *This Sex Which is Not One*; Judith Butler *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990).
- 35 *Spurs/Eperons*, pp. 50, 52, cited in Spivak, "Displacement and the Discourse of Woman," p. 48.
- 36 Gayatri Spivak, "Choreographies" in *Feminist Interpretations of Jacques Derrida* (University Park, Pennsylvania: University of Pennsylvania Press, 1997).
- 37 Ibid., p. 28.
- 38 Butler, *Bodies that Matter*, p. 28.
- 39 Elizabeth Grosz, "Ontology and Equivocation," in *Space, Time and Perversion* (New York and London: Routledge, 1995), p. 69.
- 40 The seemingly undeniable "thisness" of the body, its status as an undeniable referent, is precisely the reason that the statement "I" seems to be the one moment of discourse where the object is not absent from the intuition of the speaker herself. For more on this point, see Peggy Kamuf's brilliant article, "Deconstruction and Feminism: A Repetition," in *Feminist Interpretations of Jacques Derrida*.
- 41 Derrida, *Ear of the Other*, Christie McDonald, ed. Translated by Peggy Kamuf (New York: Schocken, 1985), p. 120.
- 42 Butler, *Bodies that Matter*, p. 69.
- 43 Ibid.
- 44 Ibid., p. 156.
- 45 Grosz, *Space, Time and Perversion*.
- 46 Ibid., pp. 175–80.

Conclusion

In the text with which I began this book, "The Ends of Man," Derrida poses our political and legal fate in increasingly stark ways between two "ends." On the one hand, we have the end of "man" in his Western, humanist, male (or fraternal), self-identical, sovereign incarnation, an end announced by the question to which Derrida returns many times throughout his writings: "who, we?" He points towards this end when he mentions Zarathustra's "last man" who, as Nietzsche tells us, is the "descendent of God's murderer" (Nietzsche 1961: 5). For this man, as Nietzsche tells it, there are "no herdsmen, no herd. Everyone wants the same thing, everyone is the same" (Nietzsche 1961: 46). On the other hand, the "end" also refers to the end of a juridical or bourgeois notion of justice and refers to the democracy to come that will be marked by justice beyond the law, and freedom beyond equality. The "end" here is not just the termination of, but the *beyond*, or the exorbitance of, democracy. In an idiom that Derrida takes up in *Rogues*, this end of democracy refers to democracy's "death instinct," which, as Freud has told us, is an instinct that seems to violate nature insofar as it seeks what is beyond pleasure, the simple biological homeostasis that all previous ideals of "the good" attempt to reach, and thus beyond the human thought as *anthropos*. The being who figures this politics and this friendship to come is Nietzsche's "overman" (who is, as Derrida himself points out, not the "last man") but is rather something or someone other than (or beyond) the human type altogether (Derrida 1982: 136).

Importantly for my purposes, to think beyond the "human" is to put into question the question of the *force* of life. As Leonard Lawlor recently put it:

If, on the basis of Aristotle, life has been thought as pure actuality or presence, as the full and proper possession of all one's powers and possibilities, as the prime mover, auto-affection in the form of thought thinking itself, then life thought otherwise than being-present will consist in a 'weak force.'

(Lawlor 2007: 8)

This “weak force” is, as Derrida regularly pointed out, the *ability to be unable*; it is the ability to reserve or put away a power (Derrida 2005: xiv). It might also be usefully thought in the way that Derrida names it in *Violence and Metaphysics* as “the gesture that is least violent” or as “violence against violence” (Derrida 1982: 130). In *Rogues*, Derrida suggests that in *this* moment, when the distinctions between friend and enemy, or “us” and “them,” have become blurred – distinctions that have been organized for the past three hundred years in terms of sovereign states – mobilizing this weak force is the only hope for politics at all. This is because the sovereignty of national states is so intimately linked to the juridical concept of war that insofar as the former seems to be at risk, so too is the latter. However, the end of the *juridical* form of war in no way suggests *peace* (Derrida 2005: 124). The becoming-one of the world (what the Anglophone world calls “globalization” and Derrida insists on leaving in the French untranslated as *mondialisation*) is not the cosmopolitan utopia of Kant’s *Perpetual Peace*, but rather its opposite: *mondialisation* is “war by other means” whose absolute violence or limitlessness is precisely its global scope. As Derrida says:

A new violence is being prepared, and in truth, has been unleashed for some time now, in a way that is more visibly suicidal or autoimmune than ever. This violence no longer has to do with world war or even with war ... It consists in accusing and mounting a campaign against rogue states.

(Derrida 2005: 156)

The only antidote to this violence without limit, a violence whose object is *life itself*, is a reservation of the force of that life, or a gesture that is the least violent: a violence *against* that violence, which would be the end of democracy’s practice (crudely speaking, the rule of law) and a reaffirmation of democracy’s form (freedom beyond equality, justice beyond the law).

End of metaphysics: “who is the friend?”

For a starting point for thinking about the “ends of man” and the consequent end of metaphysics in terms of *a new beginning*, we might turn first to Hannah Arendt. She specifies that one “advantage” of our present circumstance – which entails the demise of metaphysics – is that it allows us to view history freshly, without preconceptions (Arendt 1978: 12). In other words, for Arendt, the break from tradition is not a break from the past. Rather, it is a break from the prescriptions of how to *read* the past. We remain the inheritors of a “tremendous wealth” of values and ideas, but they come with no instructions for their best use. For Friedrich Nietzsche, another thinker of the end of metaphysics, on the other hand, the break from the past does not just give us a break from prescriptions of how to read, it gives us “mad philosophers of the

future" who will concern themselves with nothing but the dangerousness of what he calls the "perhaps," which is to say, the radical openness of the future (Nietzsche 1973: 2). Tying Arendt's insight about the break from how to read the past together with Nietzsche's insight concerning the radical openness of the future, Derrida writes, "there is no more just category for the future than that of the 'perhaps.'" "[S]uch a thought," he continues, "conjoins the future and the 'perhaps' to open on to the coming of what comes" (Derrida 1997: 29). Most importantly, moreover, he adds, "*one must love the future*" (Derrida 1997: 29).

To articulate the dangerousness of the "perhaps" with the injunction to love the future, and to do so in light of the permission to make use of the "tremendous wealth" of such ideas as justice, equality, freedom, etc., without explicit instruction, is to open up the question of what Derrida means by the democracy and the friend "to come" in potentially fruitful ways. Specifically, Derrida gives us many ways to think about how, despite its impossibility, love will have occurred, and about the relation to the future that the experience of love entails. On one hand, as Derrida makes plain, it is impossible to love the future because one cannot love what is *not yet*. At the same time, however, as Derrida points out, insofar as Nietzsche himself called for the philosophers of the future, he initiated futurity in a performative gesture. As Derrida says, "Nietzsche's critique ... [is] made in the name of a *future that is promised*. The promise does not come over and above the critique, as a post-face at the end. The promise inspires the critique in the first place" (Derrida 2002b: 225). The promise or performance of futurity is the trace of the future *in the present*, here-now. Said in other terms, the promise of the future is the radical self-interrogation that thinking "man" and his ends demands; it is (among other things) the question, "who, we?" Thus, while it is precisely the radical openness of the future that makes our love for it *mad*, despite the fact that it is impossible to love what is not yet, if I am to love at all, I must love the *condition* for love, which is nothing other than the radical alterity of what comes. This in no way defuses the danger or risk of the future, which is to say, it does not render the future any less radically open. But it does mean that our relation to the future *might* be an affirmative one; it is a chance, perhaps.

On this view, politics cannot be properly understood as *futural* if it knows what the future will or should be. If the "to-come" is simply another mode of presence – if it is a mode of life that is just what we know or can imagine *now* – it is not futural. As Derrida points out, a future "accessible in advance, would be a poor possible, a futureless possible" (Derrida 2002a: 254). Thus, the figure of the mad philosopher of the future, here-now, who announces the *promise* of the future, is the figure who moves from the demise of metaphysics onto the question of the political, and thus, onto the terrain of democracy.

Derrida's object in *The Politics of Friendship* is precisely the relationship between this mad thought of loving what is not and never will be present (the future), on the one hand, and the kind of love (or friendship) that constitutes

the canonical grounds for democracy, on the other. For since Aristotle, democracy has been understood on analogy with friendship, which is to say on analogy with the Greek proverb that friendship is the "sharing of things in common." And indeed, Derrida organizes his book – which was first presented as a series of lectures – around a saying first attributed to Aristotle by Diogenes Laertius: "O my friends, there is no friend." In charting the "canonical" history of politics or democracy thought as friendship, Derrida finds a non-homogenous, counter-narrative in the division between those addressed ("O my friends") and the friend not-yet present.

For instance, while Aristotle tells us famously that perfect virtue is the friend-as-mirror, as Derrida points out, Aristotle also says that by remaining loyal to the dead, we befriend those who cannot reciprocate our friendship. Aristotle also said that being a friend is found more in the activity of loving than in the passivity of being loved. Thus, even in Aristotle's infamous portrait of the friend as another "self," we find the articulation of a kind of friendship or love that is other than that of perfect sameness or perfect symmetry. There are (at least) two versions of the friend at work in the narrative of democracy thought as friendship; one version conveys the "friend" in terms of the other self (or mirror), in terms of what is identical, present, and close, while the other invokes the friends' alterity, distance (or withdrawal). This is why, for Derrida, a tradition of speaking *of* friendship or *about* the friend, must be distinguished from a mode of address that is *to* a friend (even if it is a friend who is not yet present: "O my friend, there is no friend"). The second notion of friendship interrupts and displaces the terms privileged in the "canonical" history: proximity, presence, and self-identity, in favor of such terms as distance, withdrawal, difference.

Indeed, as Aristotle first articulated it, democracy may be a community of "equals," but by that he meant a community of those who are *equally excellent or superior*, which, among other things, could only have been a property of property-owning men. This is one of the reasons why the kind of equality so important to democracy's idea of itself is so regularly figured as brotherhood. As Derrida points out, the friend-as-brother is an astonishingly ubiquitous *motif* in the Western tradition: from Athens and Jerusalem to Christian Rome, stretching with remarkable unity from Plato and Aristotle to Nietzsche and Heidegger. Thus, Derrida remarks that the entire tradition of thinking democracy through friendship is organized through the third essential term of democracy: *fraternity*. From Aristotle's notion of the friend as another self to Cain and Abel, from Freud's brothers shaking in guilt together after the murder of the father, to the Christian brothers who share holy Eucharist, the friend is always a brother.

Against this backdrop of what he calls this "double exclusion" – of women and their friendships with each other, as well as of women's friendships with men – Derrida finds another logic, a "relation without relation" (Levinas) or "community without community" (Blanchot). He speaks of this most

pointedly in the chapter entitled “For the First Time in the History of Humanity” (1997: 271–306).¹ There he draws on Blanchot’s insight that in order to be faithful to its object, love must entail openness not only toward what I know, but also toward what I do not and cannot know. While I cannot ever know the friend, Blanchot argues that the (temporal) interval or (physical) space that separates us does not destroy the relation between us. In fact, it is precisely this interval that defines friendship’s singular nature. As John Caputo puts it,

The very withdrawal of the friend draws me out of myself, in a ceaseless act of going where I cannot go, in the happy futility of a pursuit that Blanchot calls *le pas au-delà*, the step (*pas*) beyond I can not (*pas*) take. (Caputo 1999: 196)

For Derrida, what constitutes the friend is neither the fixity of a permanent relation, nor even the profound distance effected by death, but rather the instability of an approach that withdraws, and a withdrawal that approaches, the *le pas au-delà* (not just beyond where we can go, but also “beyond the pleasure principle,” as I elaborate below). If I love you only insofar as you are familiar to or like me (which is the Aristotelian understanding of love as “perfect virtue”), I am caught up in a narcissistic circuit whereby there is “no friend” at all. If I am to love *you*, I must love also what is unfathomable to me about you, and what must remain so. I love you in your *difference* from me – in your infinite unknowability – and this difference includes the unknowability of your future. The love in this version of friendship entails a love of or *for* the future as radically open. The friends who are not yet present (“O my friends, there is no friend”) are those relations that remain, like the future, or like the promise, *to-come*, as an impossible possibility.

It is in the name of the friendship to come that Derrida says there is no friend at present. By the same token, in addressing “my friends,” he calls upon the friends among whom he finds himself, recalling a sort of friendship that is already there, a relation that provides the horizon for the invocation of a friendship to come. The difference between the question “*What* is this friendship we are charged with loving, impossibly?” and the question “*Who is the friend?*” is a radicalization of the experience of friendship or love itself. To really love someone is to love them also for what will come for them; it is a radical state of certain uncertainty. From this point of view, in any friendship worthy of the name, the future – its unknowability – is here-now, without presence.

While this radicalization of the experience of friendship makes it a risky affair, it is the kind of friendship many of us already engage in. But how is democracy thought as friendship reoriented if we embrace the possibility that we cannot know in advance who the friend might be? In a precise way, it makes the distinction between friend and enemy unstable. Of course, the

political distinction between friend and enemy is the ground upon which Carl Schmitt organized his thinking of the political, and indeed, knowing who everyone is, which is to say, who is a friend and who is an enemy is not a kind of "knowing ... in the mode of theoretical knowledge but in one of a practical identification" (Derrida 1997: 116).²

This is perhaps why Derrida begins his chapter on Carl Schmitt with a citation from Freud's text *Beyond the Pleasure Principle* (Derrida 1997: 112). Once one has conceded the unknowability of the future, although not necessarily in the Schmittian mode (Schmitt famously asserted that only those thinkers who were pessimistic about something he called human nature were adequate thinkers of the political), one has already taken on board Freud's repugnance at the injunction to love one's neighbour. As Freud says in *Civilization and Its Discontents*, if all neighbours are to be loved, for whom does one reserve one's love, a resource precious enough? Or, to put it in more classically Schmittian terms, if all are friends, who are the enemies? Without entering into a discussion about Schmitt, it is possible to conclude with Derrida that if we radicalize the concept of friendship on the basis of our experience of loving what is not-yet – which is to say the future – democracy based on friendship is deferred to another day, a day that is promised *to-come*. Insofar as it is still *to-come*, it is a possibility. Insofar as it must traverse the hesitation of the perhaps – which includes the imponderability of who the friend might be – it is impossible.

Rogues, democracy, and autoimmunity

Rogues is surely Derrida's last and the most extensive treatment of the phrase "democracy to come." In the paper that forms the core of the book, Derrida announces early, "America will have been my theme" (Derrida 2005: 14). Derrida presented this paper – entitled "The Reason of the Strongest (Are There Rogue States?)" – on July 15, 2002 at a conference in France. So, while "The Ends of Man" announces (in New York in 1968) that the "presumed complicity of the universal anthropos" in French philosophy is understood to address national differences – and in so doing, suggests that even the most seemingly benign left-liberal undertaking as an international colloquium on philosophical anthropology might be a tool or technique of imperialism – the first iteration of *Rogues* was presented in France in the summer of 2002 and its theme was "America." And to speak of "America" that summer was necessarily to speak of the attacks of September 11, 2001, which is to say, of a situation in which the "war on terror" had become the *leitmotif* of a country that had long presented itself as the world's leading democracy.

Like *Politics of Friendship*, *Rogues* takes up concepts at the heart of the philosophical tradition of democracy, such as freedom, equality, the people, sovereignty, and so on. But, written after the events of September 11, this text is a thorough going denunciation of the notion of sovereignty itself. Derrida

agrees with the thinkers of sovereignty – from Plato to Bodin to Schmitt – that sovereignty is essentially *indivisible* and therefore that it cannot be shared, cannot be transferred, and also cannot be referred to. As soon as it tries to extend itself in space or to maintain itself over time – which is to say, as soon as it attempts to maintain itself as sovereign – it opens itself up to law and to language, to the counter-sovereignty of the other, and so begins to undo itself.

The ambiguous quality of what Derrida calls “roguishness” proceeds from these *aporias*, in which the claim to universality undercuts the claim that sovereignty is self-same. By the same token, democracy’s association of the notion of “sovereignty” with something called “the people” – the *demos* – sets the stage on which what Derrida calls democracy’s “autoimmunization” begins to play itself out. Indeed, Michael Naas suggests that autoimmunity is the “last iteration of deconstruction itself” (Naas 2006: 18). And as Naas also points out, while the concern with the *autos* was central to Derrida’s thinking at least from his writings on Husserl and on the question of “auto-affection,” the shift to autoimmunity reorients Derrida’s discourse around the process by which the “self” seeks to protect itself against external dangers, and in so doing, to weaken its own defences (Naas 2006: 22). Like the biological metaphor it borrows from, political autoimmunity is a process that weakens or destroys the very thing it seeks to safeguard.

To illustrate this process by which democracy weakens or threatens itself in its own name, Derrida offers an analysis of the 1992 Algerian elections, wherein a democratically elected government suspended elections because it suspected that the majority would elect a party that would end democratic rule and instigate a theocratic regime (Derrida 2005: 36). However, it is of course the American Patriot Act, which suspended *habeas corpus* and instigated domestic surveillance without due process, which seems a more obvious example of democracy’s autoimmunity, or its suicidal tendencies. Just as in the Algerian case, the Patriot Act exemplifies “an autoimmune necessity inscribed right into democracy, right onto the concept of a democracy without concept ... a democracy whose concept remains free” (Derrida 2005: 36–37).

As I have been arguing, it is precisely in the *freedom* of democracy’s concept that Derrida finds its *possibility*, its tendency towards perfectibility, its desire, as it were, to include those who have been excluded, and thus democracy’s status as always “to-come,” as a promise of that freedom. On the other hand, as I have also shown, this is a promise that carries the “dangerousness” of every “perhaps,” including the possibility that bringing everyone under the umbrella of its cloak, making us all friends, might, in fact, mean that we are all, in effect, enemies. Derrida’s turn towards the term “autoimmunity” captures this dangerousness insofar as it demonstrates – more than a term like “deconstruction” (which might require a “deconstructor”) – the automaticity of this self-destructiveness. Explaining why he turned to this biological metaphor, Derrida says that it allowed him to take “into account within politics what psychoanalysis once called the unconscious” (Derrida 2005: 109–10).

At this point, allow me to return to the conclusions Derrida draws from his text "The Ends of Man." The first he calls "the reduction of meaning" (Derrida 1982: 134). Let me contrast that provocative thought – a reduction in meaning – to the interval between friends that Blanchot described, the one that means that one's friend is unknowable. This interval also recalls the analytic question par excellence: *Is that what you meant?* Psychoanalysis itself is a symptom of the fact that the master sign or the entire process of signification has come under stress and meaning itself can no longer be assured; what I mean, what you mean, what we all will have meant. With the death of the father, of God, this is a century that is not only marked by a science of man that assumes a fratricidal myth. It is also marked by a science of man that accepts, first, that meaning is not and cannot be assured. The ability to answer for oneself, the ability to know what one means, the ability to be master of oneself, freely and autonomously, emerges as strictly unattainable in the face of the "discovery" of the unconscious.

With regard to the primacy of national states, Derrida has this to say: "Unavowable silence, denegation: that is the always unapparent essence of sovereignty ... A pure sovereignty is indivisible or it is not at all ... This indivisibility excludes it in principle from being shared, from time and from language" (Derrida 2005: 100–101). The silence that belongs to the essence of sovereignty does not mean, as Derrida clarifies, that sovereignty cannot speak – on the contrary, it speaks all the time. What it means is that its discourse lacks *meaning* or sense. In its own tendency to ignore established international and domestic law – whether in terms of endorsing a preemptive war as a principle of foreign policy, or in the suspension of legal rights with respect to "terrorist suspects" imprisoned at Guantanamo, as an act of domestic policy – the democratic superpower increasingly resembles what it seeks to oppose as its mortal enemy, the "terrorist" or "rogue states."

The second conclusion Derrida draws in "The Ends of Man" is what he calls "the strategic bet," by which he means that "a radical trembling (of humanism) can only come from the outside ... The trembling is played out in the violent relationship of the whole of the West to its other, whether a 'linguistic' relationship ... or ethnological, economic, political, military, etc." (Derrida 1982: 134–35). The crisis of "sovereignty" announced by so many, the universalization or "*mondialisation*" (worldwide-ization), means that the concept of war, or world war, of enemy or even terrorism, the distinctions between military and civilian, among army, police, or militia, are all losing their pertinence (Derrida 2004: 154–55). The world no longer serves as a "backdrop" for capitalism, say. Globalization (worldwide-ization) in fact means that the world is reduced to the parcel of the West: "the United States and its allies," so that we have what Derrida now calls a "war without war." Given the increasingly fragile distinction between states, it becomes more and more difficult to tell the difference between friend and enemy: one's state includes more and more of "them" and so one must murder more

and more of them in order to immunize oneself. The others are inside, and so it becomes necessary to kill more and more of oneself. This is very different from the “iron curtain” that defined the cold war: then, there was an identifiable enemy. But here and now, the number of enemies is potentially unlimited.

This is why Derrida specifies that there are *only* “rogue states.” If there is a plurality of rogue states (including most especially those which most loudly pronounce and denounce other states as “rogue”), and if the traditional understanding of state power is that it is “sovereign” (which is precisely to say that it is indivisible and thus singular), then the appearance of “rogue states” announces the disappearance of the term “sovereignty” as a political concept.

The question that emerges from the trajectory of Derrida’s interrogation of “democracy,” it seems to me, is therefore this: “Can democracy be induced to reconsider the processes that have led up to this point, and to the alternatives that have been marginalized along the way?” For if democracy can be induced to reconsider its relation to sovereignty – its requirement, that is, for a self that defines its freedom in terms of an “I can,” which is, in turn, its power to stay the same over time and space – a democracy to come could begin to envisage itself as something other than it has become. As Derrida says at the end of *Rogues*, “All that is not for tomorrow” (in the French, *c’est pas demain la veille*, which might be more accurately translated as “tomorrow is not the eve”) (2005: 114). Tomorrow might not be the eve, but it is “we” in May of 1968, and at the end of the first decade of the 21st century who stand between the last man and the overman, and in whose standing the temporality of the end is deconstructed in the undecidability of what it means to talk about “man” and “ends.” Will we open something up or close something off? Who, we?

Notes

- 1 This chapter was included in the English translation to the text, but did not appear in the original French. On the other hand, a chapter that included Derrida’s response to Heidegger was excised from the English. For a commentary on the inclusion of the text on Blanchot and psychoanalysis in the English translation, see Michael Naas (2003). For commentary on the excision of the chapter on Heidegger from the English translation, see Caputo (1999: 191).
- 2 On his view, what he called “the concept of the political” could not be reduced to economic or juridical categories. Schmitt’s case rests in part on a critique of the Weimar Republic’s apparatus, for on his view, extensive state action in the economy blurred the traditional state–society divide and meant that the Weimar state lost its constitutional integrity. The institutional structures that might have been able to effectively act in an adequately decisive manner were effectively taken over by powerful interest groups. Schmitt developed a conception of the “political” realm centered on a normatively unregulated act or “decision” directed against an enemy. For Schmitt, noticing the specificity of the political reveals that *politics* is always founded on a moment of decision which itself has no prior justification or

foundation. His definition of sovereignty is developed in terms of the capacity to act effectively in a potentially violent crisis, one that could no longer be resolved by any general norms or rules. Like God, who stands both inside and outside the world he creates, the Sovereign stands both inside and outside the law, and so has the power to break the law, which is to say, to declare the *exception* to the law. This completely ungrounded moment of decision establishes what Schmitt calls the fundamental distinction of politics: the demarcation between friend and enemy, inside and outside, inclusion and exception.

References to the conclusion

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